

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

IN THE MATTER OF:

TEXT AMENDMENT -

PROVIDING MATTER-OF-RIGHT USE	Case No.
IN THE R-1 ZONE DISTRICT FOR PUBLIC	02-15
PARK AND RECREATIONAL USES -	
(11 DCMR)	

Monday  
July 1, 2002

Hearing Room 220 South  
441 4th Street, N.W.  
Washington, D.C.

The Public Hearing of Case No. 02-15 by the  
District of Columbia Zoning Commission convened at 6:30 p.m. in  
the Office of Zoning Hearing Room at 441 4th Street, Northwest,  
Washington, D.C., Carol J. Mitten, Chairperson, presiding.  
ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chairperson
ANTHONY J. HOOD	Vice Chairperson
JAMES HANNAHAM	Commissioner
PETER G. MAY	Commissioner
	(Architect of the
Capital)	
JOHN G. PARSONS	Commissioner

COMMISSION STAFF PRESENT:

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Alberto P. Bastida, Secretary, ZC  
Sharon Sanchez, Office of Zoning

OTHER AGENCY STAFF PRESENT:

Jennifer Steingasser, Office of Planning

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P-R-O-C-E-E-D-I-N-G-S

6:32 p.m.

CHAIRPERSON MITTEN: Good evening ladies and gentlemen. This is a public hearing of the Zoning Commission of the District of Columbia for Monday, July 1, 2002.

My name is Carol Mitten and joining me this evening are Vice Chairman Anthony Hood and Commissioners John Parsons and James Hannaham.

The subject of this evening's hearing is Zoning Commission Case No. 02-15. This is a request by the Department of Parks and Recreation for text amendment to Title 11 of the District of Columbia Municipal Regulations to permit public recreation and community centers as matter-of-right uses in the R-1 Zone.

Notice of today's hearing was published in the D.C. Register on May 10, 2002 and in the Washington Times on May 16, 2002. This hearing will be conducted in accordance with the provisions of 11 DCMR 3021, which are the rules of procedure for rulemaking hearings.

Copies of today's hearing announcement are available to you and are located on the table near the door.

The order of procedure will be as follows: preliminary matters followed by the presentation by the Petitioner, reports of government agencies including the Office of Planning, reports by the affected ANCs, organizations and

1 persons in support, organizations and persons in opposition.

2 The following time constraints will be maintained  
3 in this hearing. The Petitioner's case -- the Petitioner will  
4 have approximately 20 minutes; organizations will have 5 minutes  
5 and individuals will have 3 minutes.

6 The Commission intends to maintain these time  
7 limits as strictly as possible in order to hear the case in a  
8 reasonable period of time. The Commission reserves the right to  
9 change the time limits for presentations if necessary and notes  
10 that no time shall be ceded.

11 All persons appearing before the Commission are to  
12 fill out two witness cards. These cards are also located on the  
13 table near the door. Upon coming forward to speak to the  
14 Commission, please give both cards to the Reporter who is sitting  
15 to our right.

16 The decision of the Commission in this case must be  
17 based on the public record. To avoid any appearance to the  
18 contrary, the Commission requests that persons present not engage  
19 the members of the Commission in conversation during a recess or  
20 at any other time.

21 Staff will be available throughout the hearing to  
22 discuss procedural questions. So if you have any questions,  
23 direct them to Mr. Bastida or Ms. Sanchez.

24 Please turn off all beepers and cell phones at this  
25 time so as not to disrupt these proceedings. At this time, the

1 Commission will consider any preliminary matters. Does the Staff  
2 have any preliminary matters, Mr. Bastida?

3 SECRETARY BASTIDA: Madam Chairman, the Staff has  
4 no preliminary matters. Thank you.

5 CHAIRPERSON MITTEN: Thank you. Before we proceed  
6 to the Petitioner's presentation, I would just like to remind the  
7 folks that are here that we are not here to debate the merits of  
8 any specific recreation center. This is -- we want -- we would  
9 like your comments to be focused on the merits of the text  
10 amendment that is before us.

11 If you choose to use a particular recreation center  
12 for illustrative purposes, do so. But we don't need any kind of  
13 design detail about any particular recreation or community  
14 centers. Thank you.

15 So with that caveat, we'll proceed to the  
16 Petitioner's presentation.

17 MR. BLANCHARD: Good evening Commissioners. My  
18 name is Lyle Blanchard. I'm with the Law Firm of Greenstein,  
19 DeLorme & Luchs. And with me is Jacques DePuy. And we are  
20 representing the Petitioner in this matter.

21 I'm just going to introduce the two members of our  
22 --

23 CHAIRPERSON MITTEN: If you could just have one mic  
24 on on the table at a time --

25 MR. BLANCHARD: Right.

1 CHAIRPERSON MITTEN: -- the Reporter would be very  
2 grateful.

3 MR. BLANCHARD: We'll have a short presentation on  
4 the text amendment, starting with Mr. Neil Albert, the Director  
5 of the Department of Parks and Revenue, oh, Parks and Revenue,  
6 Parks and Recreation, followed by Mr. Connie Haynes, who is a  
7 long-time former member of the Department of Parks and Recreation  
8 and is now acting as a consultant, and Marc Doswell, who is an  
9 architect with the firm of Devroux & Purnell.

10 MR. ALBERT: Assuming it's safe to turn this one  
11 on, good evening Commissioners. I just want to give some  
12 background into the capital project's ambitious -- rather  
13 ambitious capital project's initiative at the Department of Parks  
14 and Recreation.

15 CHAIRPERSON MITTEN: Can I just get you to identify  
16 yourself for the record?

17 MR. ALBERT: Oh, I'm sorry. I don't do this often  
18 so please forgive the nervousness.

19 CHAIRPERSON MITTEN: That's fine.

20 MR. ALBERT: I am Neil Albert. I am the Director  
21 of the District of Columbia Department of Parks and Recreation.

22 CHAIRPERSON MITTEN: Thank you.

23 MR. ALBERT: I actually became the Director of  
24 Parks and Recreation in April of 2001. And before my tenure as  
25 Parks and Recreation Director, it's been common knowledge in the

1 District of Columbia that our Parks and Recreation facilities  
2 have not had the benefit of good preventative maintenance.

3 In fact, most of our facilities have been built 25  
4 to 30 -- actually 25 to 40 years. And have suffered from much  
5 neglect and abuse.

6 We've embarked on a rather ambitious capital  
7 projects agenda to renovate some of our existing facilities,  
8 replace some others, just totally build from scratch some others.

9 We have budget authority in the amount of about 170  
10 million dollars over the next six years to accomplish this rather  
11 ambitious task. What does that mean? It means that at least 20  
12 capital projects, Parks and Recreation projects will be completed  
13 or scheduled to be completed within that time frame.

14 One of the reasons we want to do this rather  
15 quickly is to eliminate many of the very small, non-functional  
16 facilities that we are currently operating.

17 In fact, if you've ever gone into any of our  
18 recreational facilities, you will recognize that they're not the  
19 most efficient structures. They lack some of the necessary  
20 technology to provide quality recreation here in the District of  
21 Columbia.

22 We're hoping that through this initiative, that we  
23 can expand in some cases the amount of space that is used for  
24 recreational purposes, where we can increase the quality of  
25 programs that we offer to our citizens here in the District of

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1 Columbia.

2           Some of the changes that will occur through this  
3 program are very minor but really necessary. We will be  
4 embarking on things like repairing and replacing our floors,  
5 improving our interior lighting, updated HVAC systems that have  
6 not been updated in decades, replacing bathrooms, showers, and  
7 locker rooms.

8           Just doing the kind of things that other  
9 municipalities have done consistently over time. And Parks and  
10 Recreation, for very many reasons, have not been able to do.

11           One of the things that we want to do through our  
12 initiative is to rehabilitate a number of our swimming pools. As  
13 you may know, the District of Columbia operates about 42 swimming  
14 pools, most of them built before the 60's and many of them not  
15 having the benefit of, as I said earlier on, of good preventative  
16 maintenance.

17           And so we plan, through this initiative, to repair  
18 many of our leaking pools, bring up to scope some of our  
19 filtration systems, and replace some of the hazards that lurk in  
20 our swimming pools.

21           We have engaged, through the Office of Contracts  
22 and Procurement, two Program Managers to help us steer these  
23 projects through to their completion. And I must say that we're  
24 moving rather rapidly to that end.

25           All of our projects are being completed with full

1 community participation in every stage of the design. In fact,  
2 many of our projects are design build projects. We've included,  
3 of course, the ANC's, residents and civic associations, friends  
4 of our various recreation centers and the faith-based community  
5 in helping us not just design but to implement these projects.

6 In fact, we are very much involving our citizens in  
7 the design of these structures, as I said earlier. As an example  
8 of our community planning and participation and involvement in  
9 some centers, and you asked us not to use specific recreation  
10 centers and I wouldn't do that but I'll be very general.

11 At a recent community meeting that I attended, the  
12 community called for the movement of a picnic area from one place  
13 where it was in the designs to another place. And that  
14 consideration was taken strongly and, in fact, at a subsequent  
15 meeting, drawings were presented showing the change.

16 So from very minor changes to very major changes,  
17 we listen to the community every step of the way and, where it is  
18 practical, we make the changes.

19 As you know, where there are matter-of-right  
20 standards for public school buildings, there are no regulations  
21 that govern parks and rec facilities prior to the adoption of the  
22 Zoning Commission of the proposed text amendment on an emergency  
23 basis.

24 As you also know, D.C. law also requires government  
25 buildings after May 23, 1990, to be subject to zoning laws,

1 rules, and regulations. And as a result, our entire program has  
2 been in limbo and in jeopardy.

3 I respectfully request, therefore, that you adopt  
4 the proposed text amendments on a permanent basis so that we can  
5 continue to carry out our public mission.

6 As we mentioned earlier, Connie Haynes, who used to  
7 be an employee of ours is now a consultant with us and will run  
8 us rather briefly through the full scope of community  
9 participation for our projects.

10 CHAIRPERSON MITTEN: Thank you Mr. Albert.

11 MR. ALBERT: Thank you very much for your time.

12 CHAIRPERSON MITTEN: Thank you. Could you shut  
13 your mic off so that --

14 MR. ALBERT: Oh.

15 CHAIRPERSON MITTEN: Thank you.

16 MR. HAYNES: Good evening. My name is Cornelius  
17 Haynes. I'm also known by my associates as Connie Haynes. I am  
18 a 31-year employee of this government.

19 In November 1999, I was asked by the former  
20 Director to assume responsibility for implementing the  
21 Department's capital improvement program. And I stayed the  
22 course until May of this year when I officially retired.

23 But early on when I assumed this responsibility, it  
24 was quite clear that implementation of these projects involved a  
25 laborious process involving both a number of other District

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1 agencies, the Office of Property Management, the Office of  
2 Contracting and Procurement.

3 And it required interaction on a daily basis with  
4 those particular agencies. It also became infinitely clear that  
5 the Department had a backlog, a backlog of projects that had  
6 authorized/funded however very little had happened in terms of  
7 implementation.

8 There are projects, I would list a number of  
9 projects that you probably have heard about or seen coverage on,  
10 the Fort Stevens Project, N. Michigan Park, Sherwood, Kennedy,  
11 Turkey Thicket, and others that I'm pleased to report at this  
12 particular point are in some stage of development or completion  
13 or have been completed over the period.

14 But on the front end, the capital process begins  
15 with involvement and articulation by the community in terms of  
16 what needs they perceive and what needs the Department clearly  
17 would like to support in terms of improving its facilities and  
18 increasing the number and the quality of recreational  
19 opportunities offered throughout the various neighborhoods and  
20 communities in the City.

21 Post-funding -- it's through that process that  
22 projects actually become submitted by this Department, generally  
23 during the call for projects in November of each year to the  
24 Office of Budget and Planning. Once those projects are  
25 recommended and approved, we start another series of involvement

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1 and participation with the community.

2 The project has to be advertised for at least 30  
3 days. As Mr. Albert indicated earlier, they are design-built  
4 projects. So again we go back to the community to verify and  
5 validate what the needs are and how we can address those needs  
6 programmatically.

7 We've done this with each project and we will  
8 continue. And the City's position is that we, in fact, involve  
9 the community in terms of addressing what their needs are in any  
10 particular project.

11 Mr. Albert indicated we have got about 170 million  
12 dollars over the next six years to spend for these projects. And  
13 these projects, with the assistance of our program management  
14 groups have been moving these projects forward to the point of  
15 implementation.

16 That doesn't seem like much during a three-year  
17 period. But it was a challenge. And the reward I received or  
18 the Department received is seeing the smiles on local residents  
19 faces when these projects -- when we have ground-breaking  
20 activities and they can actually see projects -- brick and mortar  
21 going up.

22 It's like Kennedy at 7<sup>th</sup> and P, like N. Michigan  
23 Park and other projects that we are involved in at this  
24 particular point.

25 Among the projects that we've completed as well,

1 we've tried to do some very unique things in implementing  
2 projects as opposed to square buildings, square pegs, rather  
3 traditional approaches.

4 I mean we've completed the projects, the Southeast  
5 Tennis & Learning Center on Mississippi Avenue, Bald Eagle  
6 Gymnasium, that's the only recreation gymnasium in that part of  
7 Southeast Washington, Harry Thomas Community Center on Lincoln  
8 Road, Fort Stevens Senior Expansion have been completed.

9 So we are trying to stay on top of this. We're  
10 trying to keep communities involved once we've engaged them. And  
11 we will see their guidance at every step, at every turn, to get  
12 these projects implemented because they are the ones who receive  
13 the benefit of the service.

14 Thank you.

15 CHAIRPERSON MITTEN: Thank you, Mr. Haynes.

16 MR. DOSWELL: Good evening. My name is Marc  
17 Doswell. I'm with the architectural firm of Devroux & Purnell  
18 Architects in Washington, D.C.

19 We are currently designing two facilities for the  
20 Department of Parks and Recreation in the District. Both of them  
21 are coming to the conclusion of their design phase.

22 And I just wanted to make a few comments on the  
23 basis for design as we've been instructed and as we're following  
24 through with the projects that we're working on.

25 There have been a couple of concerns about parking,

1 loading, lot coverage, things like that. One of the basic  
2 assumptions with the recreation facilities that we're working on  
3 is that these are community-based facilities.

4 The users of the building are the residents of the  
5 immediate community. And that they will be either walking,  
6 children riding bicycles, coming from with a 10 or 15 minute  
7 walking distance immediately around the facilities.

8 We are providing parking within the structure of  
9 the current code at one space per two thousand which is really  
10 providing parking for employees, handicapped parking spaces, drop  
11 off, pick up, and loading.

12 Loading has a separate issue. These facilities,  
13 there are no cooking facilities within the recreation centers and  
14 as we see and have discussed with the Department, there are no  
15 heavy or frequent deliveries in large quantities from --  
16 especially with the utilization of large vehicles. No large  
17 truck deliveries.

18 Once construction is completed on these facilities,  
19 we're really talking about very irregular small deliveries and  
20 pickups. The only issue that we've been concerned about is lot  
21 coverage. The facilities that I'm familiar with and the ones  
22 that we are working on are in park facilities.

23 And the lot coverage with these buildings is in the  
24 10 to 20 percent range in most cases. And we're trying to  
25 maintain the maximum amount of green space throughout the

1 projects. Those are the major issues I just wanted to touch on.

2 CHAIRPERSON MITTEN: Thank you, Mr. Doswell.  
3 Anything else Mr. Blanchard?

4 MR. BLANCHARD: Thank you, Chairman. And that  
5 concludes our remarks.

6 CHAIRPERSON MITTEN: All right.

7 MR. BLANCHARD: We welcome questions.

8 CHAIRPERSON MITTEN: Let me see if the  
9 Commissioners have any questions. All right. Any questions from  
10 the Commission for the Petitioner? Mr. Hannaham?

11 COMMISSIONER HANNAHAM: Mr. Doswell, you mentioned  
12 that you are within 10 to 20 percent of range, the area, 10  
13 percent of the areas on these respective projects, what about  
14 height?

15 MR. DOSWELL: All the facilities I've been  
16 associated with and have seen have been one-story facilities.  
17 Even the -- we're working on the swimming pool facility which  
18 probably has one of the highest roof lines of all the facilities  
19 that I've seen, we're still within the 25- to 30-foot range in  
20 heights on the building.

21 We've been working with the site elevations to try  
22 to keep the buildings down as much as possible. But all the  
23 facilities that I've seen have ranged between 20 and 30 feet  
24 maximum.

25 COMMISSIONER HANNAHAM: I have a question for the



1 Director. You mentioned that the recreation program was in  
2 jeopardy since this 1990 rule requiring the Zoning Commission  
3 oversight. Could you expand on that? How do you see that  
4 relationship between that rule and the program being in jeopardy?

5 MR. ALBERT: Let me just actually clarify what I  
6 said or meant to say. Let me just refer back to my notes for a  
7 second. We've not had the ability to move projects speedily  
8 under the current zoning regulations.

9 A typical project, if I can use an example, prior  
10 to your emergency ruling, took about between two and one-half to  
11 three years -- well, actually two and one-half to four years  
12 between conception and completion.

13 And many times, we were locked in zoning issues for  
14 six to seven to eight to nine months. Obviously, it seriously  
15 jeopardized our ability to complete our projects in a timely  
16 manner and within budget.

17 And so prior to your emergency ruling, we did not  
18 have that capacity to move swiftly and move efficiently.

19 COMMISSIONER HANNAHAM: Okay, thank you. That's  
20 all I have right now, Madam Chairman.

21 VICE CHAIRPERSON HOOD: Madam Chair, I have a few  
22 questions. I guess I'll start with the Director.

23 The Zoning Commission, I believe, on two occasions,  
24 we passed emergency legislation, rulemaking actually. We did on  
25 an emergency basis for 120 days. I think we have done it twice.

1 Have you applied for any permits in those 120 days?

2 Either one of those cycles? I think we just did it a couple of  
3 weeks ago. I'm not sure. Mr. Haynes?

4 MR. ALBERT: I'm going to have Mr. Haynes answer  
5 that.

6 VICE CHAIRPERSON HOOD: That's fine.

7 MR. HAYNES: Yes, we've applied for permits -- I'm  
8 sorry, we applied for permits at Kennedy Recreation Center.

9 VICE CHAIRPERSON HOOD: You don't necessarily have  
10 to give me specifics.

11 MR. HAYNES: Okay.

12 VICE CHAIRPERSON HOOD: The Chair is going to make  
13 sure I abide, too, by the Chair's ruling.

14 MR. HAYNES: Okay. These projects give real life  
15 to me so that's why I speak of them.

16 VICE CHAIRPERSON HOOD: That's all right. I  
17 understand, I understand.

18 MR. HAYNES: Yes, we've applied for at least four  
19 permits, I believe, at this particular point under the emergency  
20 rulemaking.

21 VICE CHAIRPERSON HOOD: So what I'm hearing, I  
22 guess what I'm hearing, Mr. Albert, is you're trying to move  
23 forward the things in a position where you have a lot of red tape  
24 because I can -- I'm not going to get specific, but I can tell  
25 you that I grew up in a neighborhood, and it was 30 years before

1 this, the government actually moved forward.

2 And I, too, was a child at one time and waited to  
3 go down there and participate. And here we are 30 years later  
4 and I'm now in a position where hopefully I can help. And I can  
5 assure you that I'm going to look through this with a fine-tooth  
6 comb.

7 But I don't believe in tying something up for those  
8 of us who grew up in the specific area, and Madam Chair, I'm  
9 abiding by the rules. I have not mentioned any recreation  
10 center.

11 But I can tell you, I was appalled to see some  
12 information I have in front of me. I have problems with it. I  
13 may be speed-balling a little bit, Madam Chair, but this is a  
14 near and dear project to my heart because I grew up in a specific  
15 area. Here I am in a position now, the Zoning Commission, we're  
16 still talking about something they were talking about when I was  
17 eight years old.

18 I can tell you I have a problem actually with us  
19 even being here today talking about this. But, I mean, not to  
20 get emotional and move forward.

21 Mr. Albert, one of the things that I think I'm  
22 understanding from what I'm reading in the correspondence is that  
23 people are unsure of the process, not necessarily with this  
24 Administration, they're afraid of the next Administration, which  
25 may come 20 years down the road, not being open like this

1 Administration is with them and giving them the dialogue and the  
2 input that they have.

3 And I think some people have requested that maybe  
4 we look at this as a special exception or a variance. Would that  
5 be too much and cause too much red tape if this Commission moved  
6 in that manner?

7 MR. ALBERT: I'm hoping that we could bring some  
8 rare clarity, not just with the projects that are currently on  
9 stream, but we can establish some standards for all of our  
10 projects going forward. Because I'd hate to -- I may not  
11 necessarily be here, but I'd hate to come back to this body three  
12 or four years from now with the same issues.

13 I think we have a unique opportunity to present  
14 Parks and Recreation with the ability to move its projects  
15 through frequently, I mean efficiently. One of the things that  
16 we've been criticized for in this Agency is the slow pace at  
17 which our projects get off the stream.

18 And our criticism doesn't come from the Commission  
19 or the Council. The criticism comes particularly from the  
20 community who have expectations, valid expectations, as to some  
21 efficiencies in our capital projects.

22 And so I would encourage the Commission to whatever  
23 rule is made today that it does not give us limited ability to  
24 move forward efficiently in our projects. But I can guarantee  
25 you -- I can only give you guarantees as long as I'm the

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1 Director.

2 But let me tell you some of the things that we have  
3 done to ensure that community participation continues in all of  
4 our capital projects. We have reviewed our internal policies to  
5 make it compulsory, a compulsory part of our capital project's  
6 engagement that the community is engaged in every step of the  
7 way.

8 We've revised our internal procedures and policies  
9 to ensure that that happens. It is no longer acceptable that we  
10 present plans to the community. We go to the community and ask  
11 for their ideas and their thoughts and bring them to fruition.

12 I can tell you as a representative of the Mayor of  
13 the District of Columbia, that he is very committed to the  
14 community involvement process. And we will continue to do so.

15 VICE CHAIRPERSON HOOD: Mr. Blanchard, I guess  
16 maybe I can save this for the Office of Planning. I do have some  
17 questions on the proposed language. But while I have the  
18 Director, I have one other question.

19 In the City, and I was looking at something that  
20 was provided to us from the Office of Planning, can you tell me  
21 the difference between a recreational center and a community  
22 center?

23 MR. BLANCHARD: Let me tell you how we define our  
24 recreation centers and community centers in Parks and Recreation.  
25 We've designated 14 of our facilities community recreation

1 facilities basically based on the number of rooms and the  
2 amenities that are within.

3 For example, Chevy Chase -- I'm not supposed, just  
4 making the example, Chevy Chase Community Center and Chevy Chase  
5 Rec Center. Chevy Chase Rec Center is a one-room building. Chevy  
6 Chase Community Center, on the other hand, is a two-level  
7 building. And has a minimum of six or seven multi-purpose rooms.

8 So that's the distinction that we make within Parks  
9 and Recreation is based on the number of rooms within the  
10 facility.

11 VICE CHAIRPERSON HOOD: Okay. Do we have any  
12 private community centers in the City that you know of?

13 MR. BLANCHARD: There are private recreation  
14 providers, like the YMCA, the Boys' and Girls' Club, etc.

15 VICE CHAIRPERSON HOOD: Okay, I was just trying to  
16 -- there were some definitions provided to us and I was just  
17 trying to make sure I had a full understanding of where we were  
18 in the City with these definitions that were provided to us.

19 Madam Chair, I will finish my questions at this  
20 time. But I have a number more as we proceed. Thank you.

21 CHAIRPERSON MITTEN: Thank you, Mr. Hood. Mr.  
22 Parsons, any questions?

23 (No response.)

24 CHAIRPERSON MITTEN: I think part of the concern  
25 about -- part of the concern at least based on the information

1 that had come into the record prior to this evening, is that  
2 while you -- in terms of what your typical programming for some  
3 of these facilities, like 10 to 20 percent lot coverage or one-  
4 story buildings not to exceed 25 to 30 feet, if that's typical,  
5 that the R-1 parameters are much more liberal than that.

6 And if we were to allow what is your typical  
7 program, which would be this, you know, relatively low lot  
8 coverage, one-story buildings, not to exceed a certain height, as  
9 a matter-of-right, and then take other, perhaps more intense  
10 uses, you know, multi-story buildings, taller buildings, greater  
11 lot coverage, and say there should be a special exception review  
12 process for those more intense uses, do you have any response to  
13 that sort of dual treatment, depending on the level of intensity?

14 MR. ALBERT: I actually would prefer that we don't  
15 go that way. The fact is we are building new facilities with  
16 larger spaces in direct response to the community's request for  
17 facilities with more amenities and larger space.

18 And in some instances, like at Kennedy, we, in  
19 order to provide a gymnasium, which the community requested, we  
20 had to go above one story. And in some of the other facilities  
21 that we're bringing on stream, we're maintaining the one level  
22 but expanding the footprint ever so much to accommodate the  
23 additional amenities in it.

24 I dare say that -- I'd venture to say rather that  
25 most of our facilities that will be coming on stream will not be

1 one-room facilities. They may be one-level facilities but the  
2 sprawl may increase slightly or the height may increase slightly.

3 And so I think our hands get tied if the ruling is  
4 made, you know, in increments.

5 CHAIRPERSON MITTEN: All right. This is -- we'll  
6 have a little bit more discussion with the Office of Planning  
7 about the proposed definition of community centers, public and  
8 private.

9 But I wanted to ask you when you think of community  
10 center and you responded to Mr. Hood that -- you're mic is hot --  
11 maybe just use -- yes, use someone else's -- there's something  
12 about your mic -- do you include in your definition of community  
13 center playgrounds and swimming pools or is it really focused on  
14 buildings?

15 Because -- well, I'll elaborate more with the  
16 Office of Planning because they'll understand the technical  
17 significance of this, but when you speak of it, would you include  
18 swimming pools and so on?

19 MR. ALBERT: When I speak about a community center,  
20 I'm speaking primarily about the building.

21 CHAIRPERSON MITTEN: All right. So then if we were  
22 to define community center as the Office of Planning has  
23 suggested, and we don't specify swimming pools as being included  
24 or playgrounds as being included, then that conceivably would be  
25 omitted from what is permitted as a matter-of-right. Is that



1 what you intend or not?

2 MR. ALBERT: Let me just say that, you know,  
3 recreation has changed in the District of Columbia from the time  
4 when we originally built these facilities. And in order to be  
5 inclusive of all the recreational needs, I think we have to  
6 expand or actually revise our definition.

7 Currently, when we define a community rec center,  
8 we're talking about the building and the amenities contained  
9 within the building. As we move forward on community projects,  
10 Takoma Aquatics Facility, for example, may be defined as a  
11 community facility that includes an aquatic center and some  
12 recreational amenities.

13 But the current definition that Parks and  
14 Recreation uses is looking at the building and the amenities  
15 within the building.

16 CHAIRPERSON MITTEN: Okay. Maybe I should be  
17 making the distinction between a swimming pools that's inside a  
18 building and a swimming pool that's outside. Do you make any  
19 distinction?

20 MR. ALBERT: Well, when we talk about a -- if, we  
21 don't have many, first of all, may swimming pools within a  
22 building that are Parks and Rec owned. There are only actually  
23 two facilities owned by Parks and Rec.

24 CHAIRPERSON MITTEN: Okay.

25 MR. ALBERT: And the Capitol East Nadatorium being

1 one of them and a small therapeutic swimming pool within our  
2 Therapeutic Recreation Center. And so if it falls within the  
3 recreation center, yes, certainly it is within the purview of a  
4 community center.

5 CHAIRPERSON MITTEN: Okay. Thank you. Any other  
6 questions from the Commission?

7 (No response.)

8 CHAIRPERSON MITTEN: All right. Thank you.

9 VICE CHAIRPERSON HOOD: Madam Chair, I just have  
10 one quick question for Mr. Haynes.

11 CHAIRPERSON MITTEN: Sure.

12 VICE CHAIRPERSON HOOD: I have here in my notes, in  
13 your testimony, you said laborious process. Was Zoning the  
14 laborious process or was it other -- getting fund -- well, I know  
15 funding actually was the laborious process for one of the  
16 projects. But was Zoning where you had your basic hold up?

17 MR. HAYNES: Zoning is one of the variables that  
18 has to be factored into a time line from conception to  
19 implementation. Okay? As we understood the zoning requirements,  
20 it was a laborious challenge to get things through Zoning as part  
21 of the permit process. Okay?

22 VICE CHAIRPERSON HOOD: Okay.

23 MR. HAYNES: But there are a number of District  
24 components that are involved in the process. Okay?

25 VICE CHAIRPERSON HOOD: Okay. Thank you. Got you.

1 Thank you.

2 CHAIRPERSON MITTEN: All right. Thank you,  
3 gentlemen. Now we'll move to the report by the Office of  
4 Planning, Ms. Steingasser.

5 MS. STEINGASSER: Madam Chair, Commission Members,  
6 I'm Jennifer Steingasser with the Office of Planning.

7 When the Department of Park and Rec approached the  
8 Office of Planning in December of 2001, their hands were tied  
9 because of the lack of zoning.

10 In 1958, the then Commission, City Commission had  
11 determined that City properties and lands were not subject to  
12 zoning. And, therefore, City properties and land could move  
13 forward without zoning review.

14 In 1990, the City Council reversed that decision  
15 and passed legislation that required city properties to be  
16 subject to zoning. As a result, the many City properties no  
17 longer have a use category or a land use designation under which  
18 to pull a building permit.

19 The zoning regs were never changed to include these  
20 kind of use categories and many properties, like the Parks and  
21 Rec property as well as MPD situations, Metropolitan Police  
22 Department situations, have come to the surface where there are  
23 no municipal use categories, no land use designation, zoning  
24 designation on the land.

25 So the Office of Planning worked with the Parks and

1 Rec to try to come up with some text amendment that would allow  
2 them to proceed within their capital budget program, recognizing  
3 the seasonal operation and requirements that their particular  
4 needs.

5 As a result, we set down text as well for regular  
6 set down and as an emergency. The text allowed the Parks and Rec  
7 facilities and community centers to be considered as a by-right,  
8 they were proposed to recognize these as by-right facilities in  
9 the R-1 zone, working their way through the other zoning  
10 districts.

11 It was not the intent to create developable parcels  
12 out of park land. That certainly was not the intent either of  
13 DPR or the Office of Planning. We looked through the purpose of  
14 the zoning regulations, the intent as stated in the zoning  
15 chapters and also for compatible uses.

16 We found public schools to be the most closely  
17 related type of public use. It was permitted, by-right in the  
18 residential zone. We looked then to the Comprehensive Plan under  
19 Parks and Rec facilities, public facilities, and all eight Ward  
20 plans and found language that made, language under which the  
21 zoning regs would not be inconsistent.

22 We, therefore, propose the regulations as they were  
23 set down in January. The Commission then made certain changes to  
24 them that with an advertised lowering the height, for instance,  
25 to a more consistent 40 feet being the maximum height for

1 residential structure.

2 There were some changes made to the flexibility  
3 originally proposed for parking and the text was amended.

4 We have stood by this proposed text amendment and  
5 would be happy to answer any questions.

6 CHAIRPERSON MITTEN: Thank you, Ms. Steingasser.  
7 Any questions for Ms. Steingasser?

8 (No response.)

9 CHAIRPERSON MITTEN: Let me ask you a question  
10 which is based on your testimony, there hasn't been an  
11 opportunity for a community center or a recreation center that is  
12 publicly owned to -- there hasn't been a mechanism for them come  
13 forward through any kind of zoning process since the regulations  
14 were changed that required them to come under zoning, is that  
15 correct?

16 MS. STEINGASSER: That is correct.

17 CHAIRPERSON MITTEN: So then whatever process may  
18 have bogged down the -- whatever zoning influence may have bogged  
19 down the process of going from concept to reality on a rec  
20 center, could not have been a zoning process, is that true?

21 MS. STEINGASSER: I would have to refer back to  
22 Connie, who used the phrase -- I'm not sure exactly what he was  
23 referring to -- had they needed to go forward, they would have  
24 had to go for a use variance which would have, indeed, been a  
25 very laborious situation because they would have had to establish

1 undue hardship.

2 And it would have been a difficult and timely case.

3 CHAIRPERSON MITTEN: I understand that part. I  
4 guess I'm just asking based on your understanding, has there been  
5 any kind of zoning process that has bogged down getting new -- in  
6 the past, has there been any zoning process that has bogged down  
7 getting new community or recreation centers designed and built in  
8 the District of Columbia?

9 MS. STEINGASSER: Again, I would refer to the  
10 expertise of the Parks and Rec Department. I would say in a  
11 zoning context, the lack of a zoning process completely stalled -  
12 - would have stalled any movement.

13 CHAIRPERSON MITTEN: Okay. That's an answer. All  
14 right. Any other questions? Mr. Hood.

15 VICE CHAIRPERSON HOOD: I sure hope we don't stall  
16 it for another 30 years. Let me just ask you this, Ms.  
17 Steingasser, in your definition that was submitted to us dated  
18 June 26, 2002 --

19 MS. STEINGASSER: Yes.

20 VICE CHAIRPERSON HOOD: -- where you have the  
21 public community centers, the public one, the definition for  
22 public community centers --

23 MS. STEINGASSER: Yes, sir.

24 VICE CHAIRPERSON HOOD: -- it's kind of open and  
25 I'm trying to get some clarification. Where it says its classes,

1 arts and crafts activities, gathering spaces and some accessory  
2 athletic facilities.

3 I don't think we need to be too specific. But I  
4 think that kind of leaves it open to the point where we can, I  
5 guess, whoever comes along, this Commission or whoever comes  
6 behind us can kind of make their own interpretation. Is that the  
7 intent?

8 MS. STEINGASSER: No, sir. We had a very difficult  
9 time trying to craft these definitions. As stated above, we  
10 found no definition of community center or rec center in any of  
11 the surrounding jurisdictions. It was an extremely difficult  
12 thing for us to nail down.

13 Everybody intuitively knew the difference. But  
14 nobody had a definition. And when asked how these uses were  
15 moving forward through the surrounding jurisdictions, most of  
16 them had a more general category of public use or public building  
17 and would just fall through there.

18 The building permits and zoning operations would  
19 operate under that category. And then the facilities would be  
20 regulated more by the Parks Departments.

21 It was very difficult. We started with the  
22 community center private and based as our foundation out of the  
23 zoning regs, there is a special exception criteria for local  
24 community organizations under, I believe, it's 205.

25 And we started with that criteria and looked and

1 that and said, okay how are these special conditions on this  
2 special exception defining this particular operation. So we can  
3 up with this one first.

4 Then we took that and tried to re-massage it into  
5 what might be the public facility. And again, as we worked  
6 through it, it was a very difficult process. It's kind of given  
7 away by the fact that we put this out for consideration, no  
8 necessarily recommendation at this point, because they are such  
9 soft things to define.

10 The level of athletic facility was undefined. Some  
11 places like the Chevy Chase Center are all facility with one  
12 room. There are other places that have theaters in them in  
13 certain jurisdictions. So it became just an enormous moving  
14 target for us.

15 VICE CHAIRPERSON HOOD: Thank you.

16 CHAIRPERSON MITTEN: I just want to follow up on  
17 Mr. Hood's point which is -- and this is what I was discussing  
18 with Mr. Albert. In the regulations now, there is a provision  
19 that permits private community centers as matter-of-right in R-1  
20 in Section 209.

21 And in the sort of preface to that, it talks about  
22 use as a community center building, park, playground, swimming  
23 pool, or athletic field as if community center building is a  
24 separate and distinct thing from parks, playground, athletic  
25 field, swimming pool.



1           So when we -- would you intend of us to include  
2     playground, swimming pools, and athletic fields within the  
3     definition of public community center. Because if we don't  
4     specifically articulate it to the extent, you know, even in the  
5     definition regardless of what we do about the matter-of-right  
6     provisions, there may be some argument about what constitutes  
7     accessory athletic facilities versus the primary use.

8           So, have you given that any thought?

9           MS. STEINGASSER: Right. We did indeed. The  
10    language that was proposed distinguishes between public  
11    recreation facilities and public community centers. And we felt  
12    the recreation facility would have been the umbrella under which  
13    things parks, playgrounds, swimming pools, and fields would have  
14    fallen.

15           And we focused more on the community center  
16    building.

17           CHAIRPERSON MITTEN: Okay. All right. Any other  
18    questions from the Commission?

19           (No response.)

20           CHAIRPERSON MITTEN: All right. Thank you. We're  
21    ready to move on to reports by affected ANC's. And I would state  
22    that we have submitted for the record a report from Advisory  
23    Neighborhood Commission 4-B and they're requesting a waiver of  
24    our rules to accept their report because it wasn't timely filed.

25           Is there any objection to accepting the report?

1 (No response.)

2 CHAIRPERSON MITTEN: All right. Is there anyone  
3 here representing ANC 4-B, please come forward. Is there anyone  
4 here representing any other ANC? Do you have a written report  
5 authorizing you to speak on behalf of the ANC?

6 You need a written report that authorizes you to  
7 speak on the behalf of the ANC. Did you have that? At this  
8 part? You can come up when there's time for individuals to  
9 speak. Anyone else from any other ANCs? All right, welcome.

10 MS. GREEN: Hello, my name is Sara Green. I am  
11 from Advisory Neighborhood Commission 4-B. And you have our  
12 letter.

13 CHAIRPERSON MITTEN: Yes.

14 MS. GREEN: Just as a matter of procedure, I also  
15 wanted to speak on behalf of 4-B-01, in other words, these would  
16 be comments that did not go through our entire commission and I  
17 would simply be stating them as a single-member district as well.

18 CHAIRPERSON MITTEN: Let's do this. You'll, at  
19 this juncture, we're having folks that are representing the ANC  
20 overall.

21 MS. GREEN: Understood.

22 CHAIRPERSON MITTEN: And that require, you know, a  
23 written report. And we'll bring you back up to testify as an  
24 individual --

25 MS. GREEN: Okay.

1 CHAIRPERSON MITTEN: -- because that's how we  
2 recognize single-member district representative.

3 MS. GREEN: I understand. Thank you very much.

4 CHAIRPERSON MITTEN: Yes.

5 MS. GREEN: You have our letter so I will not  
6 belabor that except to say that some of the things that I've  
7 heard just now do directly reflect some of the testimony we had  
8 and some of the conversations, some of the statements that  
9 various Commissioners made to me and as they voted.

10 And one of them is that we have just gone through,  
11 and this is -- I don't believe this reflects an on-going issue  
12 because I believe this community center is not, this recreation  
13 center in Takoma, is not going to be affected by what you do.  
14 It's already gone through.

15 We went through a huge amount of community  
16 involvement. We heard reports as an ANC from the Department of  
17 Recreation about our new pool, aquatic center. We're very, very  
18 grateful for that. We have a very good opinion of the Department  
19 of Recreation's way of proceeding with us. And we want to thank  
20 them for it.

21 However, some of the things that were said need to  
22 be clarified. First of all, that center, the center we're going  
23 to have is a vastly different and vastly improved center because  
24 of the community involvement.

25 The project that we were shown first off was simply

1 not acceptable for any number of reasons. And if we had not had  
2 the kind of involvement that we had, we would be very sorry to  
3 see this thing going up as a community without having any input  
4 into it.

5 And what they're asking you to do is to give them  
6 permission, in advance, not to come to us. And, you know, to  
7 say, "Well, gee, we're going to have these wonderful philosophies  
8 and regulations and ways of doing things within the Department  
9 that are going to protect the community."

10 I'm sorry. I'm really not -- our ANC really didn't  
11 feel that that was adequate. We think that in a residential  
12 zone, we need to have some very firm protections and safeguards  
13 in place.

14 I also want to tell you as a matter of fact, the  
15 way Takoma was developed, it was over a year between the time  
16 when the community told the Department of Recreation, gee, what  
17 you'd like to do at Takoma is really not acceptable -- you know,  
18 again, I won't even go into all the reasons. But there's this  
19 wrong, and this wrong, and this wrong.

20 So they spent over a year -- and we kept being told  
21 when we asked about -- trying to get a contract signed for the  
22 company that they hired, you know, to really design the building  
23 for us the way it needed to be done.

24 So that year-long delay had nothing to do with  
25 Zoning, BZA, or the Zoning Commission. It was their own, you

1 know, difficulty in resolving something.

2 Now what we got was a really competent company and  
3 we're really happy with what they did. I want to stress that.  
4 But we're talking about a year-long delay that had nothing to do  
5 with this regulation and this regulation wouldn't, you know, have  
6 addressed that, wouldn't have changed that.

7 So we're being told that somehow zoning regulations  
8 and the zoning approval process is the villain. It is not the  
9 villain. We have learned through our experience in Takoma that  
10 communities can make -- produce a better building which is what  
11 everybody wants.

12 We know that from our own personal experience. So  
13 what we're asking you to do is to give us the mechanism that I  
14 know, if I'm not a Commissioner two or three or four years from  
15 now, I'm simply a resident, and that could well happen, I want to  
16 know that my Commission, the Commission that comes down after me,  
17 is going to be able to have a voice in this.

18 And that I'm going to be able to go to them as a  
19 member of the community and ask them, as my elected  
20 representatives, to take that voice whether, you know, so I would  
21 have this role either directly or indirectly. It's very, very  
22 important. And our Commissioners had no problem understanding  
23 that.

24 CHAIRPERSON MITTEN: Thank you, Ms. Green.

25 MS. GREEN: Thank you.

1 CHAIRPERSON MITTEN: Just sit tight for a minute.  
2 Let me ask you. Given that what we're considering here tonight  
3 is permitting these rec centers to go forward as matter-of-right,  
4 what we've had in the past is either no opportunity for them to  
5 go forward without a use variance which they haven't brought any  
6 forward that way.

7 MS. GREEN: Yes, yes.

8 CHAIRPERSON MITTEN: And there's an emergency in  
9 place that has allowed them to go forward with some of the  
10 projects. So the process that you described that allowed for the  
11 community involvement doesn't have anything to do with Zoning.

12 MS. GREEN: Right.

13 CHAIRPERSON MITTEN: So what is it about what has  
14 been going on that you think is going to be enhanced by a Zoning  
15 review?

16 MS. GREEN: Again, I would be speaking to something  
17 that was not discussed at our ANC, you know, by the whole  
18 Commission. So that is why I wanted to separate out, you know,  
19 the 4-B-01 from the whole Commission.

20 CHAIRPERSON MITTEN: All right.

21 MS. GREEN: But basically what we're looking at  
22 here is a concern that -- a number of the Commissioners in  
23 looking at some of the proposals here said, "Gee, okay, this may  
24 not be the right way to do it." In other words, the problems  
25 that you're trying to resolve that may be genuine with this

1 regulation, might be accomplished with other kinds of solutions,  
2 okay?

3 So that you wouldn't have to give the City  
4 government something as a matter-of-right, to just come in as a  
5 matter-of-right without having to go to the community, without  
6 having to go, you know, for this approval, there's so many feet  
7 with significant, perhaps a significant shortage of green space  
8 around the building, you know, you're talking about the --  
9 without the height limitations.

10 I mean all these things that could cause a building  
11 that people don't like. People could be all of a sudden walking  
12 their dogs past a park and seeing a building go up and saying,  
13 "Wait a minute, when did that happen? When did I get a chance to  
14 talk about that?" And here it's a 10 million dollar building.

15 And you know, you're making -- I mean we all want  
16 these recreation centers. We've all waited for them. I mean I  
17 agree with Mr. Hood. I mean I understand we've all waited for  
18 them enorm -- you know, we're very excited about what we're going  
19 to get in Takoma. We really are. I can't stress that enough.

20 But there has to be a balance, a way that we know  
21 that five years from now, or whatever, when you're not here or  
22 whatever, I'm not around, that my neighbors are going to have a  
23 reasonable review. And this regulation is not the way to do it  
24 as it's written.

25 CHAIRPERSON MITTEN: All right. Thank you. Any

1 other questions Mr. Parsons?

2 COMMISSIONER PARSONS: Madam Chair?

3 CHAIRPERSON MITTEN: Oh, I'm sorry, Mr. Parsons.

4 COMMISSIONER PARSONS: Ms. Green, I wanted to  
5 follow up. Was the community able to say to the Department of  
6 Recreation that the reason we feel comfortable participating is  
7 because of the zoning regulations in this thing?

8 MS. GREEN: No, no, no.

9 COMMISSIONER PARSONS: So zoning never really came  
10 up?

11 MS. GREEN: No. But ANC's obviously in communities  
12 and community organizations, our backs get up, our radar is  
13 turned on big time when we hear a city government coming in and  
14 saying we want to do something as a matter-of-right without  
15 coming to you. This is really --

16 COMMISSIONER PARSONS: Why does that say without  
17 coming to you?

18 MS. GREEN: Because they wouldn't have to.

19 COMMISSIONER PARSONS: What public agency in this  
20 city does things like that anymore? I mean they just don't.

21 MS. GREEN: Well, I'm sorry. I have been around  
22 D.C. now for 30 years.

23 COMMISSIONER PARSONS: Yes, but I mean --

24 MS. GREEN: And I remember the old days.

25 COMMISSIONER PARSONS: Well, sure. But I just



1 can't imagine that coming back.

2 MS. GREEN: Well, I'd like to think you're right.  
3 I'm hoping you're right, I really am. But I'm frankly not  
4 willing to risk it.

5 COMMISSIONER PARSONS: So you would have the Zoning  
6 Commission or the Board hearing every case of rehabilitation and  
7 expansion of a recreation center.

8 MS. GREEN: Well, there are various --

9 COMMISSIONER PARSONS: That's the alternative.

10 MS. GREEN: I'm not sure there are. I mean I know  
11 that I don't have the expertise that you have. And I have the  
12 feeling there is a way that you can craft a process that will be  
13 reasonable in terms of timing and will also provide community  
14 input.

15 I really think there's a way to do it. I think  
16 other jurisdictions probably have.

17 But for me to tell you exactly what to do and how  
18 to do it would be silly. It's not my expertise. It's yours.

19 COMMISSIONER PARSONS: Well, would you agree that a  
20 rehabilitation of an existing facility, without changing its  
21 size, and parking, and --

22 MS. GREEN: Yes.

23 COMMISSIONER PARSONS: -- heating and ventilating  
24 systems, electrical, those kind of things, I mean you don't want  
25 the Zoning Commission to look at that do you?

1 MS. GREEN: I'm not sure. I'm not sure. You may  
2 be right. I mean our Commission did not address --

3 COMMISSIONER PARSONS: Okay.

4 MS. GREEN: -- this particular issue so I'm feeling  
5 a little ill at ease in representing the views of the other  
6 Commissioners in 4-B on this one because that issue did not come  
7 up.

8 What we were told repeatedly was that somehow this  
9 was going to be -- that zoning review was going to be a villain  
10 here. And what I want to stress is that our experience with  
11 Takoma which was, you know, a very involved, and very significant  
12 project was that -- absolutely, you know, it was the Department  
13 for over a year.

14 Now we got a better building out of it. Again, I'm  
15 not criticizing them because we got a better building out of it.  
16 But we should have had that delay if that's what was needed.

17 CHAIRPERSON MITTEN: All right. Thank you. Any  
18 other questions?

19 VICE CHAIRPERSON HOOD: I just had one more  
20 question for Ms. Green.

21 CHAIRPERSON MITTEN: Sure.

22 VICE CHAIRPERSON HOOD: Again, I agree with my  
23 other colleagues. From what I'm hearing, it sounds like whatever  
24 process you did in Takoma worked.

25 MS. GREEN: It did.

1 VICE CHAIRPERSON HOOD: Yes, it --

2 MS. GREEN: It did.

3 VICE CHAIRPERSON HOOD: --sounds --

4 MS. GREEN: Yes, we're very happy.

5 VICE CHAIRPERSON HOOD: -- like it really worked as  
6 the model.

7 MS. GREEN: Yes.

8 VICE CHAIRPERSON HOOD: But let me just ask you,  
9 did you all involve any young folks in your deliberations?

10 MS. GREEN: Yes.

11 VICE CHAIRPERSON HOOD: Because I know the ANC is -  
12 -

13 MS. GREEN: Yes, yes, yes, yes.

14 VICE CHAIRPERSON HOOD: Okay, so you brought in the  
15 younger folks and they had dialogue, too? They helped you create  
16 that project?

17 MS. GREEN: Well, let me explain how that happened.  
18 It wasn't necessarily through our ANC. There's an organization  
19 called Friends of Takoma Rec Center.

20 And they took the lead on this and that's pretty  
21 much the way our ANC operates. They know that rec center.  
22 That's what they do. They're like the Friends of the Rec Center.  
23 And they had a lot of public meetings designing this.

24 And they had kids who were swimmers coming in and  
25 talking. And they had kids who were part of the rec program

1 there coming into the meetings and commenting.

2 So that's -- it was sort of a second-hand way our  
3 ANC got it. I want to be clear. It didn't necessarily come  
4 directly to our ANC meetings.

5 But they came as the Friends of Takoma Rec Center  
6 to our ANC and said, "Okay, this is how."

7 VICE CHAIRPERSON HOOD: Well, that's --

8 MS. GREEN: And the ANC Commissioners attended  
9 those meetings as well. I was at the Friends of the Rec Center  
10 meetings.

11 VICE CHAIRPERSON HOOD: Okay, well it's good that  
12 they were involved in the process.

13 MS. GREEN: Oh, yes.

14 VICE CHAIRPERSON HOOD: That's all I wanted to  
15 know.

16 MS. GREEN: Yes.

17 VICE CHAIRPERSON HOOD: Thank you.

18 CHAIRPERSON MITTEN: Thank you, Ms. Green.

19 MS. GREEN: Thank you.

20 CHAIRPERSON MITTEN: All right. Now we'll move to  
21 organizations and persons in support. Peter Easley, Friends of  
22 Kennedy Playground, Tim Downey, also down for Friends of Kennedy  
23 Playground. One of you will get five minutes and one of you will  
24 get three minutes unless there's only one of you in which case,  
25 you'll get five minutes.

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1 And then I have Gwendolyn Means.

2 PARTICIPANT: You may strike that.

3 CHAIRPERSON MITTEN: Strike that, okay. I'll bring  
4 the people up from 5-A in a minute. So why don't we just have  
5 the two of you for the time being.

6 And then when you're done testifying, just hold  
7 your seat and we'll take two of you and then we'll ask questions  
8 there. So, please state your name for the record when you begin.

9 SECRETARY BASTIDA: Who is going to have the five  
10 minutes? Yes, okay.

11 MR. EASLEY: Good evening. Thank you. My name is  
12 Peter Easley. I'm Chair of Friends of Kennedy Playground, Inc.  
13 I do have a letter in support and I apologize that this was not  
14 submitted in advance. We were given short notice. So I am happy  
15 to give you copies of that at the end.

16 Let me just briefly describe for you Friends of  
17 Kennedy Playground and our role and some of our experiences in  
18 what has been described and what we consider to be a very  
19 significant renovation project in the Shaw Neighborhood.

20 Kennedy Playground is located at 7<sup>th</sup> and P Street,  
21 N.W. And this particular renovation project is one that I would  
22 characterize as a community up project.

23 This was something that the community identified as  
24 something that was needed. And over a significant period of  
25 time, was able to get the City to move on actually building a new

1 rec center.

2 So in terms of the community involvement component  
3 and any concerns that our community would have relative to being  
4 involved, I can safely say that we have been directly involved in  
5 every aspect of our project.

6 And we have made significant impact on the overall  
7 design, over the use, as well as some of the other considerations  
8 like parking in our particular project.

9 Our project started in the early 90's under Mayor  
10 Kelly. It moved through Mayor Barry. And now through to Mayor  
11 Williams. We have worked with four different Directors of the  
12 Department of Parks and Recreation.

13 Some of the delays associated with this had to do  
14 with funding, as you can imagine, had to do with the procurement  
15 process that were unrelated necessarily to Department of Parks  
16 and Recreation.

17 What I can say that -- in looking at the proposed  
18 changes and amendments to the zoning regulations, certainly from  
19 our perspective as we would move through this particular project,  
20 there were some zoning issues that came up because of public use.

21 This is on an existing playground that -- where we  
22 would basically be replacing a small building with a much larger  
23 building.

24 This came from a request from the community to have  
25 a much, you know, larger facility that would be more useful for

1 the uses that our neighborhood needed.

2 So, for example, we will have a gymnasium, which we  
3 do not currently have. We'll have multi-purpose rooms that will  
4 include things like an arts and crafts room, a learning room as  
5 well as a room that will allow for work out facilities and those  
6 kinds of things.

7 We've designed this with input from the community  
8 through a series of public meetings, through a survey that was  
9 done, through involvement at all ages, including both youth,  
10 adults, and seniors because our facility will incorporate all of  
11 those.

12 I see our role as basically being the advocates on  
13 behalf of the community, pushing at every stage, making sure that  
14 the necessary design changes and elements are included. And, you  
15 know, we've worked very closely with the Department of Parks and  
16 Recreation.

17 We've had some disagreements, as you can imagine.  
18 We've had some things that we wanted that maybe we couldn't  
19 afford. But that's part of, you know, a very open and public  
20 process.

21 And so from the perspective of zoning, you know,  
22 and understanding that, for example, a private community center  
23 or that a school has, as a matter-of-right, the ability to do  
24 this in R-1 zones, I think that the Department of Parks and  
25 Recreation's community centers and recreation centers should have

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1 the same right.

2 They meet the same standard, they follow the same  
3 process. And certainly there is already in place other  
4 protections, whether it be through the appropriations process,  
5 whether it be through, you know, other governmental entities that  
6 have to be involved in the process.

7 And frankly, as I said in our case, the community  
8 was sitting at the table from the start in every aspect of this  
9 project right down to the color of floor tiles. I mean I'll tell  
10 you that that's where people get, you know, that and parking are  
11 where people get very excited.

12 So on behalf of Friends of Kennedy Playground, I  
13 can certainly support the proposed amendments and I do have a  
14 brief letter indicating that support. Thank you very much.

15 Also, can I just say I do appreciate the fact that  
16 you hold your meetings in the evening that allow for public  
17 involvement. So let me just commend you for taking time out your  
18 personal lives to do that. I really appreciate that.a

19 CHAIRPERSON MITTEN: Thank you. And we would be  
20 happy to accept your written statement into the record as well.  
21 Mr. Downey?

22 MR. DOWNEY: Thank you very much. My name is Tim  
23 Downey. I live at 1131 5<sup>th</sup> Street, N.W. I've lived in the  
24 neighborhood not too far from Kennedy Playground for the past 14  
25 years and have volunteered at the playground for the past 10



1 years.

2 And just am here to ask as a member of one of the  
3 volunteers, I am a member of the Advisory Board to Friends of  
4 Kennedy Playground, here to ask you to consider providing the  
5 matter-of-right use for the Department of Parks and Recreation.

6 They have been good partners in this project. It's  
7 taken a long time. But they've taken the time to listen to us.  
8 And we feel very strongly that there should be no impediments in  
9 their way of future projects.

10 CHAIRPERSON MITTEN: Thank you, Mr. Downey. Let's  
11 see if there are any questions from the Commission. Any  
12 questions?

13 COMMISSIONER HANNAHAM: I was just thinking back in  
14 time over all of this, things have changed although you mentioned  
15 several administrations that you worked with, I was wondering if  
16 there isn't another dimension to all of this, you know, outside  
17 of zoning.

18 If we grab a handle on it, it seems like it's a  
19 political thing really. And it's our elected leadership that has  
20 to be sort of responsible and accountable to see that these kinds  
21 of things do happen.

22 I'm just grappling with a way of assuring people  
23 who have doubts and there are plenty of reasons to have doubts  
24 because I know from my own personal experience and I won't  
25 mention the area, I was totally disenchanted with recreation as

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1 well as its inability to cooperate effectively with education even  
2 in cohesive situations.

3 And this is a matter of leadership locally within  
4 the Department and apparently things have changed but there's no  
5 guarantee that they would always stay that way. So I'm just  
6 grappling for some way of looking to see that things like this  
7 can go forward where the public does have confidence.

8 The public has every right not to have confidence.

9 Anybody who has been around for the past several decades should  
10 certainly raise many, many questions and I'm sure that when you  
11 raise this idea of matter-of-right, people think of government  
12 just without any balance doing what it wants to do.

13 I just wondered if you have any thoughts as to how  
14 the political process can be used as a leverage here because I  
15 think that outside of Zoning, something else has got to happen  
16 here.

17 MR. EASLEY: Yes, I'd be happy to comment. And  
18 actually, I think from our own experience, it was the political  
19 process that really achieved a great deal of results.

20 I mean in our process, we identified the need for a  
21 new rec center and then went to our city Council Member and said,  
22 you know, what can we do about this.

23 Through the appropriations process, money was  
24 identified in the budget in 1993 for the government to spend 3.5  
25 million dollars for a new rec center at Kennedy Playground. So

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1 from 1993 until about six or eight months ago, we've been pushing  
2 very hard to get this project moving along.

3 And we've used a number of different procedures to  
4 make that happen, much of which has been through the political  
5 process and through the funding process which is really where a  
6 lot of this gets hung up. That and also the procurement process.

7 But that's a whole separate issue.

8 But what we have done is, again, being the  
9 advocates on behalf of the community, working with our ANC,  
10 working with the various neighborhood associations affected and  
11 also getting some consensus in the community, which, you know,  
12 and then putting that consensus forward and pressing hard to make  
13 sure that from a design standpoint and a use standpoint that the  
14 community gets what they want.

15 Where we can get hung up on from a zoning  
16 standpoint can be things like, you know, the size of the building  
17 in relation to the lot, the use of some of the public space  
18 areas, and other things. And those issues I would hope have been  
19 incorporated and dealt with through the process.

20 You know, again, in our case, one of the issues  
21 that came up related to parking. There was a proposal to have a  
22 great deal of parking and we were unhappy with that because it  
23 would impact the overall green space.

24 So, you know, we battled it out and we came up with  
25 a political resolution to it. It didn't involve coming to the

1 commission for that Commission for that because, you know, there  
2 was only a requirement for, in our case, eight spaces. And the  
3 proposal for significantly more than that.

4 So we felt that we were able to get what we needed  
5 and what the community wanted in the process through these other  
6 means. And that from the zoning perspective there really were no  
7 issues because of the process that we followed.

8 COMMISSIONER HANNAHAM: Thank you. Thank you very  
9 much.

10 CHAIRPERSON MITTEN: Any other questions?

11 (No response.)

12 CHAIRPERSON MITTEN: Thank you both.

13 MR. BLANCHARD: May I please also add to the  
14 comment if you could share with your friends who serve on the  
15 Alcoholic Control Board to have meetings at night allows for  
16 democracy, citizenship, and participation of all. Thank you.

17 CHAIRPERSON MITTEN: Thank you. Having attended a  
18 recent Alcoholic Beverage, ABC meeting, I'll attest to the fact  
19 that it takes time out of your day. Thank you.

20 VICE CHAIRPERSON HOOD: Madam Chair, we may want to  
21 invite them down when we have our hearing in front of the City  
22 Council.

23 CHAIRPERSON MITTEN: Right. Thank you. All right.

24 Now we'll have the folks from the various single-member  
25 districts in 5-A, Norma Broadnax, Joseph Bowser and Mary Curry,

1 if you'd like to come forward.

2 You'll each have three minutes since you are just  
3 representing your single-member districts. And when you begin  
4 speaking, please identify yourself for the record and only one  
5 mic on at a time so -- you can turn the mic on by pushing the  
6 button on the side. There you go.

7 MR. BOWSER: Okay. My name is Joseph Bowser. I  
8 represent ANC 5-A-03, which is in Northeast Washington, D.C. in  
9 the North Michigan Park area. I'm concerned with some of the  
10 testimony that I heard here today, particularly the definition of  
11 community center, private center, and recreation center.

12 I feel that the needs of the recreation for this  
13 City, we should only be talking about one definition. And that  
14 is community center.

15 As defined by the Director of the Recreation  
16 Department with the type of amenities that need to be there, the  
17 word private somewhat disturbs me because it would allow certain  
18 entities to probably take over our recreation facilities and put  
19 moneys into it.

20 So I think that -- and our recreation facility,  
21 we're just talking about a small building, something like that.  
22 That should be stricken from the record all together because the  
23 needs of the City today, recreation should be allowed to build  
24 what I hear today as the definition of a community center.

25 My second concern would be before the ANC Board,

1 our Chairpersons are allowed to represent our ANC at any time.  
2 And I'm somewhat concerned today that our Chairperson, when she  
3 said she was representing Commission could not represent it  
4 because something wasn't previously put in writing.

5 The only time we have to put something in writing  
6 before other Boards and Commissions is if the Chairperson can't  
7 testify and then we put in writing who has the authority to  
8 represent the ANC.

9 My next concern would be the matter-of-right issue.

10 I think that the Recreation Department should be allowed to  
11 proceed with the matter of right. But, however, I think that it  
12 should have community input.

13 And I think in order to allow community input and  
14 the Recreation Department to move forward at the same time, a  
15 certain amount of meetings should be specified in the  
16 regulations, say four or five meetings.

17 After this point, then the department should be  
18 able to have the input of the community and make necessary  
19 changes and be able to proceed forward.

20 And as far as the people who need the support, I  
21 guess were saying, from the legislative branch, your ANC should  
22 be the persons, along with your civic associations who should  
23 give support to this project if they support or do not support  
24 the project.

25 As you know, the Homerule Charter says that all

1 agencies must allow the ANC to respond to something within 30  
2 days and give that ANC great weight.

3 However, I think it should be in asserting with the  
4 civic association because together that the support, not that the  
5 Recreation and Parks Department should not be allowed to move  
6 forward as a matter-of-right unless they have the support of  
7 either one or two of these associations.

8 CHAIRPERSON MITTEN: Thank you, Mr. Bowser.

9 MS. BROADNAX: Good evening, Madam Chair. I have a  
10 very brief statement because I knew --

11 CHAIRPERSON MITTEN: Could you identify yourself?

12 MS. BROADNAX: This is Norma Broadnax, excuse me.  
13 I'm Norma Broadnax, Advisory Neighborhood Commission 5-A-02. I'm  
14 Chairperson of ANC 5-A.

15 And as I said, I only have a brief statement in  
16 support of the text amendment. I knew that Commissioner Bowser  
17 would have a strong statement. And I know that Commissioner  
18 Currey is going to have a strong statement.

19 But I simply want to say that a few years ago, a  
20 committee of us from North Michigan Park toured recreation  
21 centers in Prince George's county, various facilities. And this  
22 was in order to get some ideas of what we wanted in a recreation  
23 center.

24 On the very first stop, at Rowen Crest, just over  
25 the line, my jaw dropped when I saw so many people from my

1 community making full use of that center. It was mind-boggling.

2 And, of course, what that said to me was that there  
3 is a huge need for a state-of-the-art facility serving the needs  
4 of all groups.

5 Therefore, I support the petition so that Parks and  
6 Recreation can most post haste to provide updated facilities for  
7 the citizens of the District of Columbia. Thank you.

8 CHAIRPERSON MITTEN: Thank you, Ms. Broadnax. Ms.  
9 Currey?

10 MS. CURREY: My name is Mary Baird Currey. I  
11 represent 5-A-06. And 5-A-06 is the area in which the new Turkey  
12 Thicket Recreation Center is being proposed.

13 I am here to speak in favor of the Parks and  
14 Recreation matter-of-right motion. Everything and anything that  
15 I believe and that I've heard has nothing to do with Zoning.

16 The new zoning order of matter-of-right, unless I'm  
17 incorrect, does not in any way interfere with the rights of our  
18 constituents to have input about policy or the regulations. The  
19 community's input will be in place regardless to whether or not  
20 Recreation gets the zoning matter-of-right.

21 The matter-of-right move, as I see it, is being put  
22 in place to allow the bureaucracy to slow down and a process to  
23 occur, and it should.

24 At the Turkey Thicket Recreation Center, we have  
25 been 13, 14 years working on, for the community, for a recreation

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1 center inclusive of a swimming pool.

2 The community has voted over and over and over  
3 again. This is what we want. This is what we need. Our  
4 children need it. Our seniors need it. If not now, then when?

5 This didn't start today. This started under  
6 several administrations ago and it has continued. Where we are  
7 today, we are simply trying to carry out a community's mandate.  
8 The community in this case includes civic associations, citizens  
9 associations, parent groups at the park through the years.

10 And we today just recently achieved the goal of  
11 getting eight million dollars in place to move this project. The  
12 last thing we need is zoning to be able to slow down anything.

13 I trust and respect the officials in this city. I  
14 respect their expertise. I respect that Zoning knows how to do  
15 the Zoning job. I respect the fact that Recreation knows how to  
16 do its job.

17 And I respect the fact that Recreation has been in  
18 our community for 12 years helping us with this process.

19 Thank you.

20 CHAIRPERSON MITTEN: Thank you. You were right,  
21 Ms. Broadnax, she did have a very strong statement. Any  
22 questions for this panel?

23 VICE CHAIRPERSON HOOD: Madam Chair, I see we have  
24 three Commissions from 5-A and I just wanted to ask did 5-A take  
25 an official position on the text amendment?

1 MS. BROADNAX: We have not taken an official  
2 position on the text amendment which, of course, we expect to do  
3 at our meeting this week. I guess -- well, I'll leave that  
4 alone.

5 VICE CHAIRPERSON HOOD: Okay. Thank you.

6 CHAIRPERSON MITTEN: Thank you all for coming down  
7 this evening.

8 MS. BROADNAX: Thank you.

9 MS. CURREY: Thank you.

10 CHAIRPERSON MITTEN: Is there anyone else here  
11 either representing an organization or for themselves  
12 individually who would like to testify in support of the proposed  
13 text amendment? I don't think I have you on my list so come on  
14 forward. Are you speaking as an individual or are you  
15 representing an organization.

16 MS. PAPPANO: I'm speaking as an individual. I am  
17 ANC Commissioner Martha Pappano from ANC 5-A-11.

18 I'd like to support the other three Commissioners  
19 and what they had to say. I've lived in the community for 53  
20 years and there is a tremendous need for this to go forward.

21 I have great confidence in the Zoning, that it will  
22 not be bogged down. It is time for things to move forward, not  
23 to be bogged down by any other organization.

24 The community has spoken tremendously over the  
25 years and we don't need a project that in ten more years, we're

1 going to need another ten million dollars to complete it if  
2 things keep, you know, getting slowed down.

3 So I look forward to the Zoning Board to put  
4 forward the amendments that have been proposed. They are good  
5 amendments. The ANCs can take care of their part and the  
6 community's part by having meetings and listening to the  
7 community. And taking suggestions and revising things. Thank  
8 you.

9 CHAIRPERSON MITTEN: Thank you, Ms. Pappano.  
10 Anyone have any questions for Ms. Pappano?

11 (No response.)

12 CHAIRPERSON MITTEN: Thank you.

13 VICE CHAIRPERSON HOOD: Madam Chair, I'm just  
14 curious. I want to ask -- to make sure I'm fair, I'm going to  
15 ask the same question. I should have asked it to the previous  
16 panel. Through the process, not being specific -- no, I withdraw  
17 that question because you all have been though a -- okay, I  
18 withdraw that. Thank you.

19 CHAIRPERSON MITTEN: Thank you. Anyone else  
20 wanting to testify in support of the text amendment?

21 (No response.)

22 CHAIRPERSON MITTEN: Would you mind giving the card  
23 to the Reporter first so he can -- good evening, Mother Goodwin.  
24 Yes, ma'am. Your reputation has preceded you. Just turn on the  
25 mic for me when you begin speaking and identify yourself for the

1 record.

2 MOTHER GOODWIN: This is a different mic than I'm  
3 used to. Thank you. See, I'm getting help from all around. At  
4 least age has some of its benefits.

5 CHAIRPERSON MITTEN: But you still only have three  
6 minutes for your presentation.

7 MOTHER GOODWIN: I don't have three minutes to say  
8 what you want me to say. But if you let me step back, I can say  
9 what I want to say. Nevertheless, I'm in total support of the  
10 process that has been initiated. I have been a Commissioner for  
11 six years. And I worked on this particular process with Mrs.  
12 Currey diligently.

13 I know the need for it. I'm hoping that there will  
14 be no evidences of stalling in this procedure and that it will go  
15 forward with as much expertise and willingness.

16 I know that most of the community is behind it.  
17 And I told you I only had a little to say.

18 CHAIRPERSON MITTEN: Thank you Mother Goodwin. Any  
19 questions?

20 (No response.)

21 CHAIRPERSON MITTEN: Thank you for coming down.  
22 All right. Anyone else in support?

23 (No response.)

24 CHAIRPERSON MITTEN: All right. Then we'll move to  
25 organizations and persons in opposition. And I'll just go down

1 the list of witnesses. Loretta Neuman representing the Committee  
2 of 100, Diane Pecor, Perry Place Partnerships, either Christa  
3 Schreiner or Evelyn Wrin for the D.C. Preservation League.

4 Actually I should ask, who's going to be testifying  
5 on behalf of the Committee of 100? Loretta Neuman or Barbara  
6 Zartman? We have two people signed up for it. All right. Well,  
7 I'm going to ask that one of you would be given five minutes on  
8 behalf of the Committee of 100. And the other take three  
9 minutes. Can you turn on the microphone so we can have that on  
10 the record?

11 MS. NEUMAN: I'm Loretta Neuman and I'm not  
12 testifying on behalf of the full Committee of 100. We did not  
13 learn of it in time to take it to the Board of Trustees or the  
14 membership. I was only able to have enough time to take it to  
15 our subcommittee.

16 CHAIRPERSON MITTEN: All right. Then I'm going to  
17 -- I'll give you three minutes. All right. So we'll have Diane  
18 Pecor come forward.

19 MS. PECOR: The Perry Place Partnership was --

20 CHAIRPERSON MITTEN: Okay, so then you'll have  
21 three minutes as well. Anyone here from D.C.P.L.? Are you  
22 planning on testifying? Come on forward now. And Barbara  
23 Zartman come on forward. We have four chairs up here.

24 PARTICIPANT: We have two of us who want to be  
25 here.

1 CHAIRPERSON MITTEN: Are each of you going to  
2 testify? Only one will get five minutes on behalf of D.C.P.L.

3 PARTICIPANT: That's fine.

4 CHAIRPERSON MITTEN: Who will that be? Christa  
5 Schreiner? Okay, take a seat there.

6 PARTICIPANT: You need more than four chairs up  
7 there.

8 CHAIRPERSON MITTEN: Well, I didn't know I was  
9 getting to on D.C.P.L. We'll hold Ms. Wrin for the next panel.  
10 All right. So everyone gets three minutes except Christa  
11 Schreiner on behalf of the D.C. Preservation League. Are we  
12 clear on that? Mr. Bastida or Ms. Sanchez?

13 MS. SANCHEZ: Yes, right.

14 CHAIRPERSON MITTEN: All right. We'll have Ms.  
15 Neuman start then.

16 MS. NEUMAN: Thank you very much. I'm Loretta  
17 Neuman. I chair the subcommittee on Parks and Environment for  
18 the Committee of 100 on the Federal City.

19 I've been a member of the Committee for over 20  
20 years. And I was a former member of the Board of Trustees. Our  
21 subcommittee has extensively discussed and studied the proposed  
22 regulations. We're not opposed to having a zoning category for  
23 parks. In fact, we would support having one, a specific zoning  
24 category for Parks and Recreation.

25 Not with the intent to delay facility development

1 but rather to make sure that all the considerations are taken  
2 into account that are necessary.

3 We do believe that the proposed regulations go to  
4 far. We believe that allowing developments 40 feet high and 60  
5 percent of lot occupancy when you think of parks and recreation  
6 area centers is too great.

7 And as a matter-of-right, not that they wouldn't be  
8 built but at least there should be a further review of those by  
9 either the Zoning Commission itself or the BZA. And in those  
10 cases of historic properties by the D.C. Historic Preservation  
11 Review Board.

12 We are fundamentally troubled by the concept of  
13 overlying the residential zoning for parks and recreation  
14 facilities, and I noted the discussion today on the definitions.

15 One of the problems is there have not been adequate definitions  
16 not only for recreation centers and community centers but for  
17 parks.

18 I went on to the Web and pulled out from the D.C.  
19 Parks Web site their definitions and they also have recreation  
20 centers and community centers. But they also have parks. And  
21 those parks, there are two kinds. There are triangle parks and  
22 what they call unstaffed parks.

23 Now my assumption has been that the public parks  
24 and facilities that your zoning changes would affect these as  
25 well.

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1           Some of these triangular parks, and I happen to  
2           take care of one as an adopt-a-park program, is less than an  
3           acre. But were it developed four-stories high and 60 percent of  
4           lot occupancy, it would certainly scare me if that was a matter-  
5           of-right.

6           Now granted, I understand that people can use  
7           political pressure and frankly, I live in Takoma, and we use a  
8           lot of political pressure on that facility there. And are happy  
9           with the result. But we were not happy, as was stated earlier,  
10          with what the D.C. Department of Parks and Recreation started out  
11          with.

12          I don't think communities should have to rely on  
13          political pressure, though, to get what they need or to get  
14          somebody who can look at it in an objective way, understanding  
15          all the nuances of zoning and the technicalities that come into  
16          parking requirements and all these various things, the height,  
17          bulk, density, the kinds of issues that you all know well, the  
18          BZA knows well but many of the community people do not know as  
19          well.

20                 CHAIRPERSON MITTEN: You need to wrap it up now.

21                 MS. NEUMAN: Having that extra look is very  
22                 important. Have I already beeped? Oh, I see.

23                 CHAIRPERSON MITTEN: You're going to beep in a  
24                 second.

25                 MS. NEUMAN: I'm going to beep. So you will see in



1 the end of my letter three recommendations we make for a zoning  
2 category that other than renovations of existing structures, any  
3 new construction or significant expansions of existing facilities  
4 should continue to be considered on an individual basis as a  
5 variance.

6 And then the third one, that substantial  
7 renovations or expansions of existing structures should be  
8 reviewed by the D.C. Historic Preservation Office to determine  
9 whether they are eligible for the D.C. list and if so, they  
10 should be reviewed by that body.

11 CHAIRPERSON MITTEN: Thank you. Ms. Pecor. Ms.  
12 Neuman, if you could shut your mic off, then we won't run into  
13 our feedback problem I hope.

14 MS. PECOR: I appreciate this opportunity to  
15 testify in the case before us. I wear many hats.

16 CHAIRPERSON MITTEN: Would you identify yourself  
17 for the record first?

18 MS. PECOR: My name is Diane Pecor. I am a  
19 resident of Ward 5. I wear many hats. But I do not here  
20 represent any specific group.

21 I do speak on behalf of many dozens, however, who  
22 feel un-, under-, or misrepresented by their community  
23 organizations. I've testified before the City Council and  
24 praised the Office of Zoning's move to provide tools for good  
25 analysis.

1                   And it is my hope that the Zoning Commission will  
2                   not retreat from this positive direction by voting matter-of-  
3                   right on an issue that is just not ready for prime time.

4                   The clear principals being violated in this case  
5                   are Planning should precede Zoning.

6                   Two, someone in the District needs to be in charge  
7                   when principals clearly contradict each other. I think we've  
8                   talked about that as being the political process, but that's not  
9                   working yet.

10                  Three, there are few situations where one size fits  
11                  all; and

12                  Four, competent analysis and meaningful public  
13                  involvement should always precede decision involving public use  
14                  of funds.

15                  Perhaps after we have completed the next round of  
16                  the Comprehensive Plan, the issues raised here might be brought  
17                  up again, but not yet. I have placed some 34 pages of  
18                  information on the record in this case and intend to submit more.

19                  The balance of my testimony I would like to put  
20                  together several matters in the general area of Turkey Thicket  
21                  but only because it's the test case for the amendment, we have  
22                  been told by the Mayor's Office, and because in any situation,  
23                  there are going to be unique transportation considerations.

24                  And they are always the things that tend to stump  
25                  people once they get involved in the process.

1 CHAIRPERSON MITTEN: Let me just interrupt you. If  
2 you intend to read the rest of this, you're going to run out of  
3 time.

4 MS. PECOR: Oh, I don't. I don't.

5 CHAIRPERSON MITTEN: All right.

6 MS. PECOR: I don't. I note that more than 50  
7 percent of the sites immediately affected by the text amendment  
8 are located in Wards 5, 7, and 8.

9 Part of the problems with this is that when we were  
10 passing out the classification of streets and roads some 25, 30  
11 years ago, the east side of the City, in fact, and specifically  
12 Ward 5, drew the short end of the stick.

13 It's not easy to correct that problem. And  
14 inevitably, when people start talking about parking or something  
15 like that, you can't waive a magic wand and think that you're  
16 immediately going to fix it. It's a huge problem.

17 I would mention in the case of Turkey Thicket that  
18 you know no matter what they tell you about Michigan Avenue, it  
19 won't happen. I am a transportation expert. This will not  
20 happen.

21 Everything is going to dump onto 10<sup>th</sup> Street. And  
22 so a problem needs to be fixed that goes beyond the issue of the  
23 recreation center.

24 CHAIRPERSON MITTEN: You need to wrap it up. You  
25 have about 10 seconds.

1 MS. PECOR: Last, I would like to put another  
2 document on the record that just notes that last week we had, in  
3 fact, a Code Purple day. And we have to acknowledge what happens  
4 with our transportation problems and air quality.

5 CHAIRPERSON MITTEN: Thank you. Ms. Schreiner for  
6 the D.C. Preservation League. We need five minutes on the clock,  
7 please.

8 MS. SCHREINER: Hello. My name is Christa  
9 Schreiner. And I'm the Program Manager for the D.C. Preservation  
10 League.

11 CHAIRPERSON MITTEN: Time goes really fast here.  
12 Just wait until they get the clock set and then begin. There you  
13 go.

14 MS. SCHREINER: Hello. My name is Christa  
15 Schreiner. And I'm the Program Manager for the D.C. Preservation  
16 League.

17 Our mission is to preserve, protect, and enhance  
18 the historic and built environment of Washington, D.C. through  
19 advocacy and education.

20 The D.C. Preservation League is concerned about the  
21 proposed amendment to 11 DCMR and the matter-of-right authority  
22 given to the Department of Parks and Recreation in the R-1 Zone.

23 The changes would appear to give the Department  
24 authority to renovate, reconstruct, raise, or make additions to  
25 existing public recreation and community centers without

1 neighborhood input and without review by City officials whose  
2 purview includes protection of our historic and archeological  
3 resources.

4 As noted in the minutes of the February Zoning  
5 Commission meeting, most of the buildings that the Department  
6 spoke about in saying it needed broader authority are probably  
7 historic buildings in their own right.

8 These historic buildings are potentially threatened  
9 if the Department can disregard buildings of historic  
10 significance and archeological resources in its plans to develop  
11 and change public recreation and community centers.

12 Also at the Commission's February meeting, it was  
13 suggested that the proposed text amendment was important in  
14 stabilizing and improving neighborhoods. However, that  
15 stabilization and improvement is not helped if the Department can  
16 substantially renovate or expand structures with no input from  
17 the neighborhood and from those representatives of the City who  
18 have responsibility for protection of our historic resources.

19 It is our position that the Department should not  
20 undertake any substantial renovations or expansions of existing  
21 structures until those plans have been reviewed, at a minimum, by  
22 the D.C. Preservation Department Division to determine whether  
23 the structures are eligible for designation as D.C. landmarks.

24 If they are, then any proposed changes to them  
25 should be reviewed and approved by the D.C. Preservation Review

1 Board. Thank you.

2 CHAIRPERSON MITTEN: Thank you. Ms. Zartman?

3 MS. ZARTMAN: Thank you. With short time go  
4 courtesies. I apologize.

5 CHAIRPERSON MITTEN: Yes.

6 MS. ZARTMAN: I'm speaking for the Zoning  
7 Subcommittee of the Committee of 100 of which I'm also a Trustee.

8 When I first saw the advertised proposal to change  
9 rules for new construction at parks and rec centers, my reaction  
10 was uncertain. A little further thought made it clear that these  
11 changes are not benign equivalencies between schools and parks.

12 The issues I would ask you to consider are these.  
13 Schools are different. They serve a citywide and indeed a  
14 nationwide purpose of providing for the common education of all  
15 citizens and by in large, don't vary in design for purposes of  
16 meeting community needs.

17 Parks, on the other hand, are meant to meet the  
18 immediate needs of particular communities. The facilities they  
19 offer respond to desires and requirements of offering different  
20 populations.

21 Communities cannot hope that in the future,  
22 bureaucrats will be as kind as apparently Parks and Recs people  
23 have been in the recent past.

24 Second, the District must adopt a planful approach.

25 There is need to address historic preservation standards from

1 protection of the lawful concerns to individually adopted  
2 historic districts.

3 There is a need to fit these facilities into other  
4 planning efforts for transportation, schools, safety, and the  
5 like. Matter-of-right does not do this.

6 Third, the Comprehensive Plan requires a planful  
7 approach and requires that changes such as those proposed here be  
8 subject to BZA approval.

9 Contrary to language OP has found, I believe  
10 Section 115.1L of the Land Use Element says that policies  
11 established in support of the public and institutional land use  
12 objectives require Board of Zoning Adjustment approval of any  
13 expansion of an existing institution and approval of any change  
14 in the type of institutional use within or adjoining a  
15 residential district.

16 Beyond this, Section 114 makes clear that only  
17 changes adopted as part of the Capitol Improvement Plan and, in  
18 turn, adopted as part of a part of the Comprehensive Plan, can be  
19 pursued.

20 It is my understanding that none of the projects  
21 under discussion have met this standard. And, of course, the  
22 Commission is constrained from adopting rules that are  
23 inconsistent with the provisions of the Comprehensive Plan.

24 Fourth, fairness requires an opportunity for  
25 citizen input. Even if the Comp Plan did not constrain the

1 Board, fairness to the body politic would require that citizens  
2 most effected be given an opportunity to review them.

3 For all these reasons, I would ask that the  
4 Commission reject the permanent rule currently under  
5 consideration and either suspend or strenuously restrict the  
6 emergency rule adopted and extended allowing four story buildings  
7 which could cover 60 percent of a park as matter-of-right  
8 development which would be highly destabilizing.

9 What's to fear? One need only look at the proposal  
10 for the Grand Prix race to see the trouble that follows decisions  
11 made without public input.

12 And the potential for multiple examples of such  
13 problems increases with mounting pressure to create Olympic  
14 venues and facilities without being inconvenienced by public  
15 comment. The difficulties you face with definitional questions  
16 are crucial.

17 If you look standard commercial deviations, you'll  
18 find that recreation includes arcades, gambling facilities, and a  
19 variety of other facilities I don't believe you mean to enable by  
20 matter-of-right.

21 Surely the changes under consideration are not  
22 required for the current recreational season. Mr. Hood, I share  
23 with you the pain of waiting forever to see things change. But I  
24 think most of the delays have not been because of the difficulty  
25 of getting approval.

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1                   Why should we? There's no indication that the  
2 special exception process doesn't work. Indeed, if these new  
3 facilities are going to be so fantastic, why not celebrate their  
4 arrival with community hearings and uncontested zoning hearings?

5                   I have difficulty understanding how the Parks  
6 Department can argue that everybody is so supportive of the  
7 changes they want to make and yet they are so afraid of going  
8 before a public body to get approval and authorization in a forum  
9 in which the citizens have some protection.

10                  I'd be happy to try to answer any questions.

11                  CHAIRPERSON MITTEN: Thank you. Any questions from  
12 the Commission for this panel?

13                  VICE CHAIRPERSON HOOD: Madam Chair?

14                  CHAIRPERSON MITTEN: Mr. Hood?

15                  VICE CHAIRPERSON HOOD: I just have one question  
16 for Ms. Pecor. She mentioned -- and I'm going to stay away from  
17 a specific project but she mentioned a level of -- well, she  
18 mentioned she was a traffic expert. Even though we didn't make  
19 you --

20                  CHAIRPERSON MITTEN: You need to turn your mic on.

21                  VICE CHAIRPERSON HOOD: I'm sorry. Transportation,  
22 okay.

23                  MS. PECOR: They're different.

24                  VICE CHAIRPERSON HOOD: Yes. You mentioned 10<sup>th</sup>  
25 Street, though. You're concerned about the, I guess, the flow.

1 Is it foot traffic you're concerned about or is it vehicle?

2 MS. PECOR: I'm talking actually about the totality  
3 of traffic. I didn't get to read the rest of the stuff in my  
4 testimony. But I mention, for example, that when the campus plan  
5 for Catholic University comes before you, that they propose  
6 actually changing a federal aid road. That will ultimately  
7 impact 10<sup>th</sup> Street because they're going to dump on it.

8 The fact that we do not have a small area plan for  
9 what happens at the Brooklyn subway stop. These are all things  
10 that are in the mix about this community. I probably could come  
11 up with 15 projects. I was trying to, you know, not do that  
12 here.

13 VICE CHAIRPERSON HOOD: Okay.

14 MS. PECOR: But the fact that 10<sup>th</sup> Street is a local  
15 street, which means -- local street means District dollars. That  
16 is not an easy problem to fix.

17 VICE CHAIRPERSON HOOD: Well, I'm just refraining  
18 from asking --

19 MS. PECOR: That's true at other rec sites, by the  
20 way.

21 VICE CHAIRPERSON HOOD: My question, where I was  
22 going, I was trying to envision with all that you're saying is  
23 going on in that neighborhood, what level of service you think  
24 would happen on 10<sup>th</sup> Street. And I was trying to see if it was  
25 acceptable or not.

1 But I'm not -- we're not going to go there I don't  
2 think. We don't need -- I don't think we need to go there with  
3 this text amendment.

4 Let me just say something to Ms. Neuman. The  
5 question about public parks and recreation area facilities should  
6 not be subject to traditional zoning classifications. I kind of  
7 understand where you're going. But again, the Zoning Commission  
8 right now, and I'm not saying that's the way of doing away with  
9 this, this may be something that will happen in the future.

10 And I'm not sure which way the Commission is going  
11 to go with this particular text amendment. But there's a tool  
12 already here that I think the Planning has already dealt with and  
13 where we can fine tune it and put it in with the regulations  
14 which we have to fine tune it and have it move a little fast --  
15 in a faster process.

16 What you're asking for is a totally different  
17 classification of zoning, which make take years to actually be  
18 able to implement. So I see that as another tactic of delay, if  
19 I'm reading what you have here correctly. Well, I know that I'm  
20 reading it correctly. But I see that as another tactic of delay.

21 MS. NEUMAN: First of all, I don't want anyone to  
22 think I have tactics of delay. That's not my intent.

23 VICE CHAIRPERSON HOOD: No, no, I didn't say that.  
24 I'm just saying I personally, from reading that and envisioning  
25 us doing that --

1 MS. NEUMAN: Right.

2 VICE CHAIRPERSON HOOD: -- I actually kind of agree  
3 with that.

4 MS. NEUMAN: Well, I actually went on the Web site  
5 for the Zoning Commission as well and looked up all the different  
6 categories you have right now. And it just seemed to me that  
7 there is no reason why you couldn't have a category of parks and  
8 recreation zoning.

9 Now, that said, I don't think -- you're right. I  
10 think it should be done thoughtfully. I think, as other people  
11 have said, we need planning and throne of zoning so we have  
12 Comprehensive Plan amendments coming along. Those desperately  
13 need to be looked at.

14 And the recreation part of it is woefully lacking.

15 I looked at all those and I saw -- I was very disturbed by what  
16 the Office of Planning put out in January as a report on this.  
17 Now I haven't seen if there is an updated version for this  
18 hearing.

19 But I was shocked when they said, for example, 60  
20 to 90 feet as a matter-of-right and they supported that. And if  
21 Commissioner Parsons hadn't read that hearing transcript or the  
22 meeting transcript hadn't argued for 40 feet, we would have been  
23 stuck with 60 to 90 feet.

24 I think there are some accommodations that could be  
25 made, making it lower, making the footprint smaller, doing a few

1 things right now. But you've already, I understand, extended the  
2 deadline for another -- or at least the emergency ruling for 120  
3 days.

4 Maybe within that 120 days, we could at least look  
5 at the, you know, the hardest nuts in there and can try to crack  
6 at them. And then save for a future time maybe a better approach  
7 and say okay, let's learn from what we're doing now and any  
8 problems we have created or solved. And then have a better  
9 approach later.

10 VICE CHAIRPERSON HOOD: But let me just say this,  
11 Ms. Neuman, I was in no way insinuating that you were trying to  
12 delay the process.

13 MS. NEUMAN: Okay.

14 VICE CHAIRPERSON HOOD: What I'm just saying is  
15 what we have here, while I can agree with it, it's just that I  
16 see this as on down the line. And this is in front of us now.

17 MS. NEUMAN: Yes.

18 VICE CHAIRPERSON HOOD: This is -- I mean while I  
19 think you have a good suggestion there, it's something that we  
20 eventually need to consider. But that's just on down the line.  
21 One more question, Madam Chair. Ms. Pecor, back to your -- and  
22 I've underlined, I haven't had a chance to fully read your  
23 testimony.

24 But you mention here as one of your clear  
25 principals being violated. One, Planning should precede Zoning.

1 I think and what I'm hearing here today, that has happened.  
2 It's just that maybe the Office of Planning didn't do it. Or I  
3 think it was planned by the neighborhood and by the Recreation  
4 Department.

5 I think that has been, from what I'm hearing in  
6 testimony, that planning has already been envisioned and started.

7 MS. PECOR: Not the kind of planning I'm talking  
8 about. I really think that within, you need a whole context for  
9 everything that's happening inside the neighborhood. And in  
10 general, I'm talking about the Comprehensive Plan. And having a  
11 credible Comprehensive Plan.

12 VICE CHAIRPERSON HOOD: But that also, Ms. Pecor,  
13 as you know as well as I do, that that also needs some work, some  
14 serious work.

15 MS. PECOR: A little bit of work, I would agree  
16 with that.

17 VICE CHAIRPERSON HOOD: Not a little bit. Some  
18 serious work.

19 MS. PECOR: I'm being sarcastic.

20 VICE CHAIRPERSON HOOD: And I think the Office of  
21 Planning, that's why it's on delay.

22 MS. PECOR: All right.

23 VICE CHAIRPERSON HOOD: Thank you. Thank you all.

24 CHAIRPERSON MITTEN: Any other questions for this  
25 panel?

1 (No response.)

2 CHAIRPERSON MITTEN: Thank you all. Now we'll have  
3 Ms. Wrin take a seat at the table. And Jane Lincoln, Douglas  
4 Tyrka, and James Watkins. Let me just make sure I have everyone  
5 at the table. Are you Mr. Watkins? Okay.

6 Mr. Watkins, are you representing a group? All  
7 right. So each of these folks, I believe, are getting three  
8 minutes. Anybody not? Okay. We'll just begin on the end here.

9 MS. LINCOLN: I am Jane Lincoln, a D.C. native. I  
10 have lived with my husband and children a half-block from Turkey  
11 Thicket for 13 years. I wouldn't be here tonight if an  
12 extraordinary series of events hadn't taken place in my  
13 neighborhood beginning on April 9<sup>th</sup> of this year.

14 That day, a neighbor sent an e-mail to our  
15 Brookland Listserv which usually talks about does anybody know a  
16 good plumber. Instead, this e-mail announced meeting at Turkey  
17 Thicket Rec Center April 10<sup>th</sup>, 7:00 p.m., Subject: Latest  
18 Construction Plans on Rec Center and Progress Report. Please  
19 attend.

20 There had been rumors for years that the Rec Center  
21 would be renovated but here was notice less than 24 hours before  
22 an important meeting, by means of e-mail which many of my Turkey  
23 Thicket neighbors do not have.

24 The next day, another neighbor expressed her  
25 outrage. I live on 10<sup>th</sup> Street. I ask why has the neighborhood

1 not been presented the plans with adequate time to discuss  
2 traffic, parking, congestion, noise, and other legitimate  
3 concerns? What does this have to do with matter-of-right?

4 It's taken the neighborhood weeks to figure out the  
5 connection between those first public meetings and the amendments  
6 before you. Through documents obtained with the Freedom of  
7 Information Act Requests, we have learned that the Turkey Thicket  
8 project is a test case to promote a hasty, wasteful, and  
9 undemocratic process through the City.

10 Please vote against these amendments. I'm no  
11 expert but I think that the matter-of-right means no zoning  
12 variance would be necessary and also no community input or  
13 transportation studies or environmental impact studies either.

14 As stated, the Turkey Thicket neighbors first  
15 learned of the plans for construction on April 9<sup>th</sup> and  
16 groundbreaking was held on May 3<sup>rd</sup>. Since then, we've learned  
17 that the Department of Parks and Recreation was cited in  
18 September of 2001 for its contracting and procurement practices.

19 Inspector General Maddox states, "Failure to  
20 address these deficiencies will continue to create the potential  
21 for waste, fraud, and abuse at the agency. These concerns do not  
22 inspire confidence."

23 The DPR organized a series of public neighborhood  
24 meetings. When dozens of us dutifully showed up, we were shown  
25 plans that were hours old. And the presenters could not even



1 read.

2 As one neighbor put it, "I would hate to make an  
3 eight million dollar decision based on eight cents-worth of  
4 information." And I am personally in favor of a new rec center  
5 at Turkey Thicket but the process has been very confusing.

6 In addition to my testimony, I am submitting for  
7 the record 100 pages of discussion of the Turkey Thicket  
8 Construction Project on the Brookland Listserv to illustrate a  
9 couple of points.

10 One, community discussion and vigorous  
11 participation in meetings does not imply community endorsement as  
12 the DPR claims it does today on its Web site.

13 Two, community meetings held by the DPR were  
14 confusing. They were part single-member district, part DPR, part  
15 Mayor's office. Who is in charge we wonder?

16 And lastly, our community is full of ideas on how  
17 to improve Turkey Thicket to truly service the communities  
18 surrounding it. But participation has not been invited.

19 This process has also caused hard feelings which  
20 have to do with race and class, as if often the case in this  
21 town.

22 CHAIRPERSON MITTEN: You need to wrap it up now.

23 MS. LINCOLN: Yes. The voices on the Listserv have  
24 raised questions about this process are equally black and white  
25 and yet an ugly process has proceeded by the haste that is

1 requested by DPR. Thank you for your time.

2 CHAIRPERSON MITTEN: Thank you, Ms. Lincoln. Mr.  
3 Tyrka.

4 MR. TYRKA: Is this the evil mic or is this the --

5 CHAIRPERSON MITTEN: Well, so far, it's tame so  
6 just keep going.

7 MR. TYRKA: Okay. I'll do my best to help it  
8 along. My name is Douglas Tyrka. I also live a half block from  
9 Turkey Thicket.

10 I'd like to talk about my experience with what's  
11 been going on there as an example of what I think may happen if  
12 there is not some kind of administrative oversight about what's  
13 going on.

14 In Takoma Park, they obviously have a very strong,  
15 politically active community. I'm not sure that every community  
16 in this City is going to be as agile in responding to these  
17 changes and is hassled with the process to be able to do deal  
18 with it.

19 I want to start off by saying that though many of  
20 us have been painted as being opposed to any kind of facility, as  
21 I have said many times in meetings to try to resist this attempt  
22 to characterize me that way, I am thrilled that the City wants to  
23 spend eight million dollars in my neighborhood.

24 I am very grateful for all of the work by other  
25 people in the community before me that went into getting this

1 money. I would love to see a facility that is modern and  
2 designed to meet the needs and desires of the community,  
3 especially the children and teenagers who now do not have a lot  
4 to do in the area.

5 However, and it's one of the points I'll make  
6 later, this effort to find out what the children want and need  
7 has not been made. At least not in any kind of formal way. So I  
8 do want to talk about the attitude and the approach of DPR when  
9 they do not think, and this is apparent from the example, that's  
10 all I can go on, our example, when they do not think that anybody  
11 is on top of them. When they think they are unfettered.

12 I've been to several of these meetings. I've been  
13 to every meeting with the exception of one since I moved into the  
14 area. That one I missed because there was literally three-days  
15 notice to it.

16 At these meetings, the only issues which have been  
17 brought to us are the fine details of the project. Are we going  
18 to have 38 or 41 parking spaces? What direction will the ball  
19 field face? Where will the picnic benches go, as Mr. Albert  
20 mentioned, as a great success of the process. I call this  
21 personally nothing.

22 Several other issues were raised by the community  
23 about the planning and operation of the facility including  
24 expected facility usage, hours of operation, planned staffing,  
25 planned upkeep budgeting. To these, we were told that we

1 shouldn't worry. That these would all be handled later by  
2 qualified experts who had our best interests in mind.

3 More fundamental issues were raised by people,  
4 namely the appropriateness of a pool in this community. Whether  
5 this was actually something that was going to be helping the  
6 children of the community and the other citizens. Whether this  
7 was something that the community now wanted as opposed to 30  
8 years ago.

9 The absence of any study of community needs and  
10 wants, the absence of any evidence that the children of the  
11 community will benefit from this today. These are the most  
12 troubling to me.

13 At the last meeting regarding this, I specifically  
14 asked the DPR representative whether one we would have anything  
15 other than a pool. I was told no.

16 Two, had there been any or would be any study of  
17 community wants and needs. I was told no.

18 Three, if all we could have was a huge pool  
19 buildings, could we elect not to have it at all. I was told no.

20  
21 That is their stance. They repeatedly told us that  
22 the community has already voted. I've asked my ANC for a copy of  
23 this vote, for some document of this vote. I've gotten no  
24 response whatsoever.

25 CHAIRPERSON MITTEN: You need to wrap it up, now,

1 Mr. Tyrka.

2 MR. TYRKA: Right now, as Ms. Lincoln mentioned, on  
3 the D.C. Web site, they are telling us that at this last meeting  
4 when I asked those questions, that, in fact, what occurred was  
5 that we all agreed on the 38,000 square foot footprint.

6 In fact, what we were told was that our input on  
7 that issue was irrelevant and unwanted. Thank you.

8 CHAIRPERSON MITTEN: Thank you. Ms. Wrin? Mr.  
9 Tyrka, could you shut that mic off?

10 MR. TYRKA: Sure.

11 CHAIRPERSON MITTEN: Thank you.

12 MS. WRIN: I'm going to -- I came with Christa  
13 Schreiner from D.C. Preservation League. But Christa spoke well.  
14 So I'm going to put on just very briefly another hat since I had  
15 looked into this for the hearing tonight and to draft up the  
16 testimony.

17 I'm overall concerned with what I have heard. I  
18 hear a lot of conclusory statements about the fact number one,  
19 that they couldn't get permits, they couldn't move ahead with  
20 projects.

21 Number two, that zoning was a bad thing and that  
22 was a problem. And I'm not really sure where this is all coming  
23 from. I'm in an area that a couple of years ago, had a community  
24 center renovated.

25 The plans were very poor. The contracting was the

1 problem and other people has said that. The problem's not  
2 Zoning, the problem has been contracting or other procurement  
3 aspects. Or other aspects of it. Not the Zoning thing.

4 This center was done very poorly. Air conditioning  
5 didn't work after they invested hundreds of thousands of dollars  
6 in it, probably millions. Mr. Albert would know better.

7 It still has a lot of problems. They ruined a  
8 beautiful dance floor, for example, that was the best outside of  
9 the Kennedy Center. They didn't cover the roof and it got wet  
10 and all that.

11 And people were not involved in the community in  
12 the planning. They were involved when there were all their  
13 problems. When it was supposed to be closed for six months and  
14 it was closed for a year and one-half.

15 And so these things really bother me with the idea  
16 of community not being involved. And not being required to be  
17 involved. And there's no protection for historic resources that  
18 I see in what I've read and looked at.

19 So I just -- these conclusory statements that say  
20 Zoning would be a problem, it would delay things. Our center  
21 went on. That was after the City Council passed the Zoning  
22 requirements.

23 So I don't know what's been going on that some can  
24 go forward then they say they cannot. So I'm just kind of  
25 confused on those things.

1 I would not like to see anything diluted any more.

2 And give a matter-of-right authority to the Recreation  
3 Department. We haven't seen that their stewardship of buildings  
4 is very good from what we have. And we would like to see it  
5 enhanced.

6 The purview, the watching of what's going on, the  
7 input of the community is the protection of our resources, our  
8 historic resources, whether designated or not.

9 So, as I say, I'm somewhat confused when I read the  
10 February minutes from the meeting and talking about how things  
11 are being held up, talking about how things can't go forward.  
12 I've seen things go forward, not well, it's still a problem that  
13 we've had.

14 So I would not like to see any more authority given  
15 as a matter-of-right to the Department of Parks and Recreation.

16 CHAIRPERSON MITTEN: Thank you.

17 MS. WRIN: Thank you.

18 CHAIRPERSON MITTEN: Mr. Watkins?

19 MR. WATKINS: Good afternoon. My name is James  
20 Watkins. I live at 1002 Shepard Street. I live right across the  
21 street from one of the parks that's up for this matter-of-right  
22 issue.

23 I've lived in the neighborhood a couple of years.  
24 And when I first heard of the Turkey Thicket project, my first  
25 thought was why can't we build off of the school.

1           You know, I have always been a proponent for a  
2 school and recreation working together. But I found out through  
3 the process that that would never happen within our area.

4           Then I went to the next phase. And I began to  
5 think, well, I'll go ahead with the program and work with the  
6 rest of the community as far as having a recreation facility  
7 within our community.

8           Then I heard, by chance, that a school three blocks  
9 away was proposing to have a swimming pool. I'm like using  
10 taxpayers' dollars. I began to think about that. And I said,  
11 "Why have two pools, public pools, so close together and waste  
12 our tax dollars as far maintenance is concerned and so forth.  
13 And just having the neighbors have access to this one particular  
14 pool?"

15           Well, later on we found out that this school was  
16 not going to build an indoor pool. Later on, still staying with  
17 the development of this project, I found out that a number of my  
18 neighbors were not notified of meetings and so forth that were  
19 going on concerning the development of this recreation center.

20           This is considered a community center. That means  
21 community input. We that live around this particular recreation  
22 center have concerns concerning matter-of-right. We want to make  
23 sure that the matter-of-right does not infringe on our rights.

24           That we're not overlooked. That we are part of  
25 that planning process. We want to work with -- we want to become



1 partners with Parks and Recreation but I feel that somewhere down  
2 the road, if someone doesn't take a look at what can happen down  
3 the road -- let's say we have an Administration that does not  
4 want to work with the community, how will that impact the  
5 neighbors of these parks?

6 And that really concerns me. You know, I am in  
7 favor of a new recreation center. I'm a single-parent. I'm an  
8 adoptive parent. I'm a foster parent. And I'm a father. And I  
9 would like to see creative activities at these parks for our  
10 kids.

11 Another thing that I see is that --

12 CHAIRPERSON MITTEN: You need to wrap it up Mr.  
13 Watkins.

14 MR. WATKINS: -- the parks are not utilized as they  
15 are right now. There are no Little League programs going on for  
16 our community kids at the community park across the street. So  
17 that's something to consider.

18 CHAIRPERSON MITTEN: Thank you, Mr. Watkins. Any  
19 questions from the Commission for this panel? Any questions?

20 VICE CHAIRPERSON HOOD: I just want to ask Mr.  
21 Watkins, and you don't have to answer this if you don't want to.  
22 I'm just curious. You said you weren't notified. How long have  
23 you been living in the neighborhood?

24 MR. WATKINS: I've been living in the neighborhood  
25 for about -- I've been living here for about two years.

1 VICE CHAIRPERSON HOOD: Okay.

2 MR. WATKINS: I've been living for two years. But  
3 I have neighbors that have lived for about 50 years that have not  
4 been --

5 VICE CHAIRPERSON HOOD: Fifty?

6 MR. WATKINS: Fifty years. Not fifty, thirty years  
7 that have not been notified of different meetings.

8 VICE CHAIRPERSON HOOD: Dealing with the recreation  
9 center?

10 MR. WATKINS: Dealing with the recreation center.

11 VICE CHAIRPERSON HOOD: So what you're telling me  
12 is what I said earlier, that's a 30-year project?

13 MR. WATKINS: No, no, no. It's not a 30-year  
14 project. But since the conception of this project starting, they  
15 have not been notified of all the different meetings.

16 And what I actually started doing myself  
17 personally, was going from house-to-house passing out flyers so  
18 that people could be notified of the meetings, my neighbors could  
19 be notified of these meetings.

20 VICE CHAIRPERSON HOOD: Okay. I'm going to go back  
21 to the -- I guess I want to go back to making sure that everyone  
22 was abreast or informed of this matter-of-right issue. And you  
23 kind of confused me as though Ms. Wrin's testimony, I would  
24 assure you your testimony confused, too.

25 MS. WRIN: You know I should also say I --

1 CHAIRPERSON MITTEN: You need to turn on your mic  
2 if you are going to speak.

3 MS. WRIN: Okay. I didn't introduce myself for the  
4 record actually. I realized. It's Evelyn Wrin, W-R-I-N. I'm a  
5 City resident.

6 VICE CHAIRPERSON HOOD: Wrin, Wrin, okay.

7 MS. WRIN: Thanks.

8 VICE CHAIRPERSON HOOD: But I want to -- I'm trying  
9 to make sure to follow you. So help me to follow you. I want to  
10 make sure I don't get off the track. You stated that you've been  
11 living there two years and then you made a statement that there  
12 was 50, you said something about 50 years some of your residents.

13 I'm just looking at the process here. Not this  
14 text amendment. That's basically what I'm asking about. The  
15 matter-of-right text amendment and people being informed and  
16 being also included in the planning process.

17 MR. WATKINS: Yes.

18 VICE CHAIRPERSON HOOD: And I'm just trying to make  
19 sure I follow you. You said that you've been there two years.  
20 There were people that were not notified that had been there 30  
21 years.

22 MR. WATKINS: Yes.

23 VICE CHAIRPERSON HOOD: So I'm just trying to --

24 MR. WATKINS: How did I find out?

25 VICE CHAIRPERSON HOOD: No, no. I don't need to

1 know.

2 MR. WATKINS: Okay. All right.

3 VICE CHAIRPERSON HOOD: I just want to know as far  
4 as you're -- I'm just trying to see your rationale for some of  
5 the statements you've made when this has been a long-going  
6 process and you said that you were not included. That's kind of  
7 where I'm going. I don't understand that.

8 MR. WATKINS: Well -- no, the thing -- it's not so  
9 much me not being included in this process.

10 VICE CHAIRPERSON HOOD: But your neighbors?

11 MR. WATKINS: But my neighbors. Because whatever  
12 happens, whether it's parking, which is a major issue around my  
13 neighborhood when it comes down to events such as tennis matches,  
14 this facility is going to -- the particular facility that's in  
15 question will sit 500 people.

16 So, you know, I question if this facility is full  
17 to capacity, where will all these people park if a quarter of  
18 them come by vehicle.

19 VICE CHAIRPERSON HOOD: What if -- well, I don't  
20 want to get into that because I think my colleagues may be  
21 getting a little impatient with me. Then again, nevertheless,  
22 let me just ask.

23 Recreation centers in this City, I think, as one  
24 who has went to many of them, walking. And I'm not pro or con or  
25 trying to advocate for this project or whatever project.

1 I'm just talking in general -- know some of the  
2 things. But my concern is back to the matter-of-right issue and  
3 the process. The process has been out there for a while. But I  
4 think it's -- anyway, never mind.

5 Ms. Wrin, let me go back to your statement. It's  
6 obviously that what I'm hearing, I guess from the whole panel,  
7 this panel we have in front of us, I'm hearing that you're  
8 basically looking for some way to have a review process. That's  
9 what you -- you want to make sure that you have some input.

10 And then the panelists that came in support, they  
11 said they had input. And obviously we have testimony on projects  
12 in certain areas that have went on to the point where folks have  
13 had input. And they thought it was great.

14 You need to turn your mic on.

15 MR. TYRKA: I would say substantive input. We have  
16 had input into things like where the picnic benches go --

17 CHAIRPERSON MITTEN: Mr. Watkins, can you shut off  
18 your mic now?

19 MR. WATKINS: Sorry.

20 MR. TYRKA: We have had input into fine details of  
21 the building design. At one point, we were given a choice  
22 between two basic designs of the building. One of which was  
23 obviously inferior. And I think, you know, I don't know if that  
24 was just kind of a set up or what.

25 So we've had input into certain details. But as

1 far as the basic idea, are we going to have a 38,000 square foot  
2 footprint building here with a pool and a gym, it never happened  
3 at any of the --

4 VICE CHAIRPERSON HOOD: I think my colleague while  
5 he's maybe a little impatient with me, I think my colleague  
6 Commissioner Parsons, hit it right on the head earlier when he  
7 said, I think, I don't want to quote him specifically.

8 But I think he was saying this is a new  
9 administration. It's a new day. But I can also understand the  
10 reservations. So I just want you to know what I'm thinking and  
11 what I'm grappling with. I just don't know right now. But -- I  
12 just don't know.

13 The text amendment is basically what I'm looking  
14 at. The text amendment. If you don't want it to be a matter-of-  
15 right, you're looking for a process of review. I don't know if  
16 Zoning is where it needs to be reviewed. That's where I'm going.

17 MR. TYRKA: And I'm unsophisticated enough to make  
18 a guess at where the ideal place would be. However, what I have  
19 seen from this one example is -- and it's all I have to go on --  
20 is how they are operating when they feel unfettered.

21 And I'm worried. You know, I think from the people  
22 of Takoma, we heard a near-miss of a disaster. And I worry that  
23 this is a disaster in the making. I did not start opposed to  
24 this. But they have driven me into the camp by refusing to  
25 answer questions, by saying, "No, we're not taking input on

1 anything substantial."

2 VICE CHAIRPERSON HOOD: I really think that Takoma  
3 -- they may be a model. It's just that they had some  
4 neighborhoods, some folks in the neighborhood to push it. And  
5 whether this is going to be a mechanism for a review process, I  
6 don't know.

7 That will be up to this Commission. But I just  
8 don't know. I can tell you, I can tell you right now, that  
9 Anthony Hood is not in favor of any red tape, any more red tape  
10 that's there. Because I missed out on a project, I can assure  
11 you.

12 And I haven't been specific. I haven't told you  
13 which project. But that project never materialized but it's  
14 eventually getting ready to come to fruition now. But 30 years  
15 we waited on that project.

16 Thank you, Madam Chair.

17 CHAIRPERSON MITTEN: Thank you, Mr. Hood. Mr.  
18 Hannaham?

19 COMMISSIONER HANNAHAM: I'm really troubled by all  
20 of this. You know, I think that -- I'd like to go back to the  
21 City Council discussions and decision, the length of the  
22 decision, to have public property covered by Zoning, you know,  
23 public.

24 There was nothing in Zoning that would have  
25 affected this particular kind of effort. And I wonder what the

1       rationale was.    You know, I think they must have expected  
2       something when they did it, you know, when they brought  
3       Recreation into the Zoning -- consideration under the Zoning  
4       regulations.

5               And I think that we should study that.   And go back  
6       and study the whole process that led us to where we are right  
7       now.   The reality of it is that you're not going to be perfect  
8       anyway.   You know, even though I was very concerned, the people  
9       do get an opportunity to participate, we know that there's  
10      unevenness in different communities.

11             There's different level of skills and understanding  
12      and organization and all those things in different communities.  
13      And the thing about bureaucracy, people in bureaucracies know  
14      that.   They know how to play one community against another, if  
15      necessary.

16             And somebody earlier had mentioned this idea of  
17      schools and recreation.   I think that's an almost impossible  
18      dream in this City.   I don't think it will ever happen.   Maybe  
19      somebody can prove me wrong.

20             But I'm wondering if maybe we shouldn't look at  
21      rules, I mean look at a Recreation Zoning rule of some sort.   I  
22      mean we're looking at an emergency thing right now, I know.   But  
23      why can't we consider, in the interim, discussing what might be  
24      put in place as a Zoning rule affecting recreation and community  
25      centers.



1 I'm just beginning to think that maybe something in  
2 that direction is going to be worthy of our consideration.

3 CHAIRPERSON MITTEN: Well, we'll look forward to  
4 more discussion on that when we deliberate.

5 COMMISSIONER HANNAHAM: Yes, I realize. But I  
6 appreciate your coming forward. I realize that there's no easy  
7 answer to any of this stuff. And I really appreciate all of you  
8 folks in the community bringing this forward.

9 This Turkey Thicket things seems like it's the way  
10 things used to be. It doesn't sound so much the way things are  
11 beginning to be. So I'm really concerned about that. I thank  
12 you.

13 MS. WRIN: Community input is not red tape. Thank  
14 you.

15 CHAIRPERSON MITTEN: Thank you. Thank you, Mr.  
16 Hannaham.

17 VICE CHAIRPERSON HOOD: I'm sorry. Was that -- I'm  
18 sorry, was that directed to me? Or was that directed to your  
19 comments? I'm sorry. I missed that.

20 COMMISSIONER HANNAHAM: What did I say?

21 VICE CHAIRPERSON HOOD: Somebody said something  
22 about red tape.

23 CHAIRPERSON MITTEN: She said that input is not red  
24 tape.

25 VICE CHAIRPERSON HOOD: Oh, no. No, that wasn't

1 directed to me, was it?

2 CHAIRPERSON MITTEN: She was just making a  
3 statement for the record, Mr. Hood. It's okay.

4 VICE CHAIRPERSON HOOD: I have to address that,  
5 personal privilege, Madam Chair. Anybody who knows me down here  
6 on the Zoning Commission and my colleagues will tell you, that I  
7 always look for community input.

8 I never -- and they will tell you -- I've never  
9 said that community input was red tape because I, too, come from  
10 the community. I also live in the community. Also am a Ward 5  
11 resident. So, thank you.

12 CHAIRPERSON MITTEN: Thank you. Any other  
13 questions for this panel?

14 COMMISSIONER HANNAHAM: I have none, thank you.

15 CHAIRPERSON MITTEN: All right. Thank you all for  
16 coming down tonight. Richard Huffton, Houghton, sorry. And  
17 that's the end of my list. So is there anyone else in  
18 opposition? Oh, yes, come on forward and speak on behalf of your  
19 single-member district.

20 Anyone else wanting to testify in opposition?

21 (No response.)

22 MR. HOUGHTON: Good evening. My name is Richard  
23 Houghton. I'm a resident of the District of Columbia. In regard  
24 to the emergency rulemaking, which preceded this hearing, a  
25 memorandum dated January 7<sup>th</sup>, from the Office of Planning to the

1 Zoning Commission states that, "allowing the public recreational  
2 uses by a matter-of-right provision would avoid a costly delay  
3 that would be caused by requesting variance relief."

4 But requesting variance relief does not mean the  
5 inefficient use of public funds when the request is made in  
6 timely fashion and reflects due diligence on the part of the  
7 requesting agency and has community support.

8 Some of the 21 proposed recreation centers covered  
9 by the emergency rulemaking have been in the planning stages for  
10 years. An ANC Commissioner has publicly stated that one project  
11 has been 12 years in the planning, surely enough time to apply  
12 for a zoning variance.

13 But 12 years was evidently not enough time to  
14 complete a comprehensive planning study or building program, both  
15 of which have been requested on numerous occasions by the  
16 community. But which have not been shared with the community.

17 The zoning variance is a tested municipal mechanism  
18 for granting zoning relief on a site-by-site basis. The ability  
19 to consider proposed development appropriate to a community and  
20 its needs and account for existing and proposed development is  
21 being sacrificed in this case in the name of expediency.

22 The proposed Turkey Thicket Recreation Center in  
23 Ward 5 is an example of some of the possible consequences of the  
24 proposed text amendment. I would like to enter into the record  
25 two vicinity plans showing Turkey Thicket and its immediate

1 neighborhood.

2 One plan shows the footprint of the existing  
3 recreation center, a building approximately 40 by 50 feet. The  
4 second plan shows the current proposed recreation center, a  
5 building of approximately 39,000 square feet, nearly 20 times the  
6 size of the existing structure.

7 Together with the loss of open space given over for  
8 parking and hard surfaces, this development intrudes on precious  
9 open space in a densely-settled urban neighborhood.

10 The Office of Planning requested the text amendment  
11 specifically for renovation, additions, and reconstruction of  
12 existing structures. The proposed recreation center at Turkey  
13 Thicket is not a renovation and it is not an addition. And to  
14 call it a reconstruction is generous if not downright misleading.

15 Moreover, there is a significant change in the use  
16 and character of the building which raises a host of issues  
17 germane to zoning regulations and permitted uses. This site is  
18 one of the few dedicated parks in the greater Brookland area  
19 designed for outdoor recreation.

20 The proposed facility containing an indoor  
21 basketball court, bleachers, and nadatorium, with diving board,  
22 in addition to community and craft rooms, administrative space,  
23 and core functions, will change the character of the open space  
24 and the physical and visual relationships in the neighborhood.

25 This is the recreational equivalent of a big box

1 development. And big box development, given a green light in an  
2 existing neighborhood without adequate planning, may generate  
3 unintended and irreparable consequences.

4 CHAIRPERSON MITTEN: Thank you, Mr. Houghton. Ms.  
5 Green? For your ANC, single-member district.

6 MS. GREEN: Right, right.

7 CHAIRPERSON MITTEN: Mr. Houghton, can you shut off  
8 your mic so we don't get -- thank you.

9 MS. GREEN: I'm Sara Green from ANC 4-B-01. And my  
10 constituents have not addressed this particular -- we haven't had  
11 a chance to address this particular proposal.

12 But let me state something that I may have  
13 misstated out of conservatism earlier. We have had, when Mr.  
14 Parsons talked about, you know, the big bad era of before and  
15 this administration being so much better. I would say no, it's  
16 not.

17 It's being more careful and more clever. And 4-B-  
18 01 has had several significant problems with the Office of  
19 Planning trying to go under the radar and trying to simply do  
20 something without notifying the public. And my community has had  
21 that problem in the past with the Office of Planning and the  
22 Mayor.

23 So we have a problem with this administration and  
24 the Office of Planning. And I very much think that if you give a  
25 green light to matter-of-right on recreation centers, a lot of

1 other communities are going to continue -- are going to have  
2 problems that are similar.

3 We are active. We do speak out. But we need some  
4 protection. And that's what we're asking you to do.

5 In the variance process, think about what you have.

6 You have an ANC notification, you have ANC public hearings, you  
7 have the community coming to the ANC, you have the ANC taking a  
8 position with great weight.

9 Then you have a hearing before BZA where again the  
10 community, whether or not it knew, you know, it went to the ANC,  
11 has yet another opportunity.

12 The other thing we get with the zoning variance, is  
13 we get four, five very educated pairs of eyes and ears, who  
14 frequently catch things that average citizens in the ANC don't  
15 catch. You have expertise, you have experience.

16 So we get all of that in the variance process. And  
17 this is the kind of thing that becomes very, very -- it makes me  
18 very concerned when I hear that we may not have it in this  
19 situation because these facilities can be so large, they can  
20 impact so much.

21 With the Olympics coming up and all these things,  
22 this was raised earlier. What you're hearing when I hear -- when  
23 you hear people saying don't hold it up, don't hold it up, you're  
24 hearing people who for so many years never had any decent  
25 recreation centers, never had any good recreation programs.

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1           We want these things for our children and we want  
2           them for our neighbors. And now we're being told that we can't  
3           have a good, professional, well-designed center that's done with  
4           the community and a timely professional time frame.

5           CHAIRPERSON MITTEN: You need to wrap it up.

6           MS. GREEN: And that's ridiculous. We can have  
7           both and we deserve both. And I'm hoping you will help us have  
8           both. Thank you.

9           CHAIRPERSON MITTEN: Thank you, Ms. Green. Thank  
10          you. Any questions for this panel?

11          (No response.)

12          CHAIRPERSON MITTEN: Thank you both. Any other  
13          persons wishing to testify in opposition? Anyone else in  
14          opposition?

15          (No response.)

16          CHAIRPERSON MITTEN: All right. I don't think that  
17          we have any more -- we haven't requested to keep the record open  
18          for any additional submissions, is that correct, Mr. Bastida?

19          SECRETARY BASTIDA: That is correct, Madam  
20          Chairman.

21          MR. BLANCHARD: Chairman Mitten?

22          CHAIRPERSON MITTEN: I'm sorry.

23          MR. BLANCHARD: Excuse me.

24          SECRETARY BASTIDA: This is a hearing, I mean a  
25          rulemaking. There are no --

1 CHAIRPERSON MITTEN: Let's just find out what he  
2 wants.

3 SECRETARY BASTIDA: I'm sorry.

4 MR. BLANCHARD: I was just going to ask the  
5 Commission to allow the Department to submit some additional  
6 information within the next seven days on the range of building  
7 heights and the range of lot occupancies anticipated by these 20  
8 projects.

9 CHAIRPERSON MITTEN: All right.

10 MR. BLANCHARD: And the RFP, which went out several  
11 years ago, on the planning process, hiring construction managers.  
12 Just for some background.

13 CHAIRPERSON MITTEN: I think that might be helpful.  
14 So, we'll keep the record open for seven days. How's that, Mr.  
15 Bastida.

16 SECRETARY BASTIDA: Whatever is your pleasure,  
17 Madam Chairman.

18 CHAIRPERSON MITTEN: All right. So then, that's  
19 it. We just keep the record open for seven days, which would be  
20 until Monday, July 8<sup>th</sup>.

21 SECRETARY BASTIDA: July 8<sup>th</sup>.

22 CHAIRPERSON MITTEN: Is July 8<sup>th</sup> a sufficient amount  
23 of time for you to get that in? All right. Thank you.

24 All right. And we will keep the record -- well,  
25 the record is open if anyone else would like to submit any



1 written testimony that didn't get an opportunity to testify this  
2 evening, we would welcome that as well.

3 Ladies and gentlemen, the other members of the  
4 Commission and I wish to thank you for your testimony and  
5 assistance in this hearing. And we thank you for your interest  
6 in the work of the Commission.

7 The record in this case will be closed on Monday,  
8 July 8<sup>th</sup> and I would remind you that all filings are to take place  
9 no later than 3:00 p.m. in the room next door which is Suite 210.

10 The Commission will make a decision in this case at  
11 one of its regular monthly meetings following the closing of the  
12 record unless we are requested otherwise.

13 From time to time, we have special public meetings.

14 These meetings are held at 1:30 p.m. on the second Monday of  
15 each month with some exceptions and are always open to the  
16 public.

17 If any individual is interested in following this  
18 case further, please contact staff to determine whether this case  
19 is on the agenda of a particular meetings.

20 You should also be aware that should the Commission  
21 propose affirmative action, the proposed action must be published  
22 in the D.C. Register as a proposed rulemaking with a period of  
23 time for comments. So there would be an additional comment  
24 period following our decision.

25 In addition, the proposed rulemaking will be

1 referred to the National Capitol Planning Commission for federal  
2 impact review.

3 The Zoning Commission will then take final action  
4 at a public meeting following the receipt of public comments and  
5 the NCPC comments after which a final written rulemaking and  
6 order will be published.

7 I now declare today's public hearing adjourned.

8 (Whereupon, the foregoing hearing went

9 off the record at 8:50 p.m.)

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